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Public Education Reform in South Carolina: An Analysis of Legislative Efforts in 2019

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PUBLIC EDUCATION REFORM IN SOUTH CAROLINA: AN ANALYSIS OF LEGISLATIVE
EFFORTS IN 2019

By

Francis Halloran

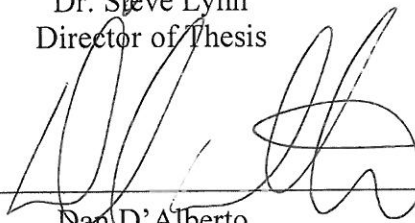
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I. THESIS SUMMARY

This thesis is a legislative research project on the South Carolina Education, Career Opportunity, and Access for All Act, proposed by the South Carolina General Assembly on January 24, 2019. I begin by exploring the history of the modern public education reform movement in South Carolina, reviewing related legislation over the last half-century, and focusing on the cornerstone South Carolina Supreme Court case *Abbeville County School District v. The State of South Carolina*. Next, the South Carolina Education, Career Opportunity, and Access for All Act provides the basis for a comprehensive summary of all statutory reforms attempted by this proposed piece of legislation and of all amendments adopted to the bill by the South Carolina House of Representatives. I include transcripts of two interviews: one with bill sponsor Representative Rita Allison (R-Spartanburg) and one with bill opponent Senator Mike Fanning (D-Fairfield). These interviews provide background on the research and drafting of the bill, firsthand accounts of the bill's journey through the legislative process, and expert analysis of the strengths and weaknesses of the bill in its current form. I conclude with my own critical analysis of the bill's major provisions, regarding their viability and effectiveness as solutions to the key issues currently facing South Carolina's public education system.

II. INTRODUCTION

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later

professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

-US Supreme Court Chief Justice Earl Warren, *Brown v. Board of Education* (493)

In the three years that I have spent working in and around the South Carolina General Assembly, I have learned that in every session there are several “big-ticket items” on the legislative agenda. In 2017, the two main issues were fixing the roads and eliminating the debt in the state retirement system. In 2018, the two main issues were handling the fallout of the bungled SCANA/Santee Cooper nuclear project, and ethics reform, the latter of which came into focus as a result of the ongoing State House corruption probe. In 2019, although utility regulation and a possible sale of state-owned utility Santee Cooper have carried over into this session, the main issue has been public education reform.

III. THE HISTORY OF MODERN EDUCATION REFORM IN SOUTH CAROLINA

According to Donald Tetreault, the public education reform movement did not begin in earnest in South Carolina until the early 1970s, following the emergence of “lawsuits challenging the constitutionality of state school funding systems in California, Texas, and New Jersey [that] received national attention.” Throughout the 1950s and 1960s, several legislators were elected who entered the General Assembly looking to challenge the status quo of many of our state’s institutions, including the political dominance of conservative Democrats over the state and the statewide policy of school segregation (Lauderdale). This group, collectively known as the “Young Turks,” included such prominent legislators as John C. West, Isadore Lourie, W. Brantley Harvey, Jr., and Dick Riley. In rebuffing the status quo of the time, these legislators

pitted themselves against a group of much older legislators who were interested in preserving it. These legislators, known collectively as the “Old Guard,” were a group of powerful men who had maintained political control of South Carolina since the late nineteenth century. Their power had been reinforced by the adoption of the 1895 South Carolina Constitution and the decision handed down by the US Supreme Court in *Plessy v. Ferguson* in 1896 (Lauderdale).

In the words of the late Senator Joel Lourie, the goal of the Young Turks was “to be responsible for [developing] progressive legislation in the fields of education, senior citizens, consumer protection, economic development, health care, and many other areas, all of which we believed and hoped would have a lasting impression on the social progress of South Carolina. Our commitment to the cause of social and economic justice for all of our citizens was the anchor of our entire legislative program” (Lourie). The first legislative victory of the Young Turks that is relevant to this thesis is the Education Finance Act of 1977 [EFA]. In an article from the *Journal of Education Finance*, Philip Kelly explains that in 1975, South Carolina Governor James Edwards issued an executive order creating the Governor’s Committee for Equalization of Educational Finance, and that “the report produced by the committee formed the basis for the ‘South Carolina Education Finance Act of 1977’” (515). Arguably the most important piece of adopted legislation in the history of South Carolina public education, the EFA replaced “the categorical flat-grant education finance mechanism utilized by the state for the distribution of state support... [which had resulted in] a growing disparity in the expenditure rates among the districts as the percentage of locally-generated revenue increased over time” (515). According to its authors, the EFA sought “To guarantee to each student in the public schools of South Carolina the availability of at least minimum educational programs and services appropriate to his needs, and which are substantially equal to those available to other students

with similar needs and reasonably comparable from a program standpoint to those students of all other classifications, notwithstanding geographic differences and varying local economic factors” (S.C. Code Ann. §59-20-30).

Championed by then-Senator Dick Riley as the means of rectifying the existing disparity between school districts, the EFA established a funding formula for determining the General Assembly’s annual appropriations to each public-school district in South Carolina. The formula multiplied a district’s base student cost by the weighted number of pupils in the district. The EFA also established a weighted pupil scale, which varied based on factors such as a pupil’s grade level, disability, and learning program, an index of taxpaying ability for school districts, calculated annually by the South Carolina Tax Commission, and a guaranteed minimum funding level for each pupil in public schools. In determining that guaranteed funding level for each pupil, the authors of the EFA utilized the Defined Minimum Program that had previously been adopted by the South Carolina State Board of Education (Kelly, 516). Once a district’s annual funding allocation had been calculated, the EFA provided that the General Assembly would fund 70% of each district’s figure, while the districts themselves would fund the remaining 30% of their respective figures through property taxes (“Putting It All Together”).

The EFA was followed by the Educator Improvement Act in 1979, which raised the standards for individuals who went into the teaching profession and established the procedure for evaluating contract teachers (“Legislative Initiatives”). This act was later expounded upon by the Educator Act in 1997. Through this act, the General Assembly established a “fair, cohesive, and comprehensive system for the training, certification, initial employment, evaluation, and continuous professional development of public educators” (SC Code Ann. § 59-26-10). This act also directed the state Department of Education “to adopt nationally-recognized training and

teaching examinations for teachers, and to adopt procedures for robust regulation of the teaching profession” [SC Code Ann. § 59-26-20(a)–(e)].

The next major legislative initiative pertaining to the South Carolina public education system came with the Education Improvement Act of 1984 [EIA]. The EIA was then-Governor Dick Riley’s second major legislative achievement related to the South Carolina public education system. It was the result of work done by two state-level committees, both of which were composed of South Carolina business leaders, legislators, and educators appointed by Governor Riley. The committees worked to “identify the areas of public education where reform was needed and to determine the measure of financial support from the state that would be necessary for such reform to be accomplished” (“Legislative Initiatives”). This act built on the EFA of 1977 and the Educator Improvement Act of 1979 by establishing seven major goals of the state’s public education system: “raising student performance, teaching and testing basic skills, evaluating the teaching profession, improving leadership, implementing quality controls and rewarding productivity, creating more effective partnerships, and providing adequate school buildings” (“Legislative Initiatives”). In an article published by *The New York Times*, Susan Chira describes the strategy employed by the EIA to accomplish these objectives: “It raised the state sales tax by a penny on the dollar to pay for remedial and advanced classes, higher teachers’ salaries, early-childhood programs, and new basic-skills tests, including a high school graduation exam.” Chira goes on to assert the success of the EIA: “By spending more money on public schools, imposing higher standards and holding the schools responsible for results, the [EIA] helped South Carolina post some of the biggest test score increases in the country, even if the state’s scores still lagged behind many others.”

The next legislative initiative related to public education in South Carolina is the Target 2000—School Reform for the Next Decade Act (1989). This act came about as a result of the report produced in December of 1988 by the Task Force to Develop a New Five-Year Education Improvement Act Program. That Task Force was comprised of “44 people in business, education, and government positions in South Carolina [who] spent over a year studying the reforms outlined in the EIA to determine new directions and emphases” (“Legislative Initiatives”). Building upon the EIA of 1984, the Target 2000 Act sought to bring South Carolina into the mainstream of educational reform. Deborah Switzer and Robert Green break down the actions taken by the Target 2000 Act: “Funds were allocated for half-day child-development programs, kindergarten for all five-year-olds, special programs for gifted and talented students, and remedial programs for those children who did not pass the basic skills exam. Higher-order thinking skills were required to be included in the school curricula, as well as discipline-based art, music, dance, and drama. Requirements for graduation increased, and dropout- prevention programs were funded. Schools, teachers, and principals were offered monetary bonuses for good test scores.”

Target 2000 was followed by the Early Childhood Development and Academic Assistance Act (1993). This bill was instrumental in the evolution of South Carolina public education system because it was created in reply to “...the needs of schools and districts to operate with greater flexibility in addressing student and community needs” (“Legislative Initiatives”). In so doing, the bill essentially reframed education reform as being responsive to the feedback of the public-school system. It also aimed to emphasize child success in school at a younger age than had previously been the case. To that end, one of the act’s most important goals was, as described in the act, “to establish the expectation that by providing extra assistance

and learning time that enables young students to attain essential skills and success all children will be prepared for the fourth grade and all students will graduate from high school with their peers” [S.C. Code Ann. § 59-139-05(3)]. Ultimately, this provision formed the basis on which Read to Succeed Act 284 was adopted in 2015, which “addresses literacy performance in South Carolina and puts in place a comprehensive system of support to ensure [that] SC students graduate on time with the literacy skills they need to be successful in college, careers and citizenship” (“Read to Succeed”).

The next piece of legislation that reformed public education, the School to Work Transition Act of 1994, was repealed with the implementation of the Education and Economic Development Act (2005), which is examined in a later paragraph. It was followed by the South Carolina Public Charter Schools Act of 1996, which allowed for the creation and implementation of charter schools under the guidance of a local board of education. According to the South Carolina Department of Education, charter schools provide opportunities to: “improve student learning, increase learning opportunities for students, encourage the use of a variety of productive teaching methods, establish new forms of accountability for schools, create new professional opportunities for teachers,... assist South Carolina in reaching academic excellence, [and] create new, innovative, and more flexible ways of educating children within the public school system” (“Charter School Act”).

The SC Education Accountability Act of 1998 was adopted into law soon thereafter, establishing a performance-based accountability system that aimed to improve students’ learning experiences and the teaching process in order to provide a strong academic foundation for students. The act also created the Education Oversight Committee to monitor accountability efforts (“Legislative Initiatives”). The General Assembly’s Joint Education Funding Study

Committee denotes the intentions of this act as being to: “align the state assessment to the academic standards to encourage higher performance, provide an annual report card with a performance indicator to provide clear and specific information to parents and the general public, require local accountability systems to stimulate quality teaching and learning practices and target assistance to low-performing schools, provide resources to strengthen teaching and learning in the classroom, provide support for professional development of teachers and school staff, [and] expand the ability to evaluate the system” (“Education Reform Initiatives”).

The final piece of legislation relevant to this thesis is the Education and Economic Development Act (2005). According to the previously mentioned joint legislative committee, this act implemented measures aimed at increasing the high school completion rate. These measures “included student-centered educational approaches tailored to a student’s specific interests, skills and aspirations [by designating the implementation of career clusters], a reduction in student-to-guidance-personnel ratios, articulation agreements between school districts and institutions of higher education, and regional service centers aligning business, school, and workforce development interests and resources” (“Education Reform Initiatives”).

IV. THE I-95 CORRIDOR OF SHAME

In the early 1990s, there existed significant disparity in both the annual funding received and the quality of education being administered by public schools in South Carolina. As Ehime Ohue wrote in *The Washington Post*, this situation resulted in the emergence of the so-called “I-95 Corridor of Shame,” which consisted of 36 poor, rural school districts in South Carolina, each having large minority-student populations, that were receiving resources which fell far below state averages. Believing that the state of South Carolina had failed to carry out its constitutional duty of providing for a minimally adequate standard of education for each public-school student,

these school districts banded together to sue the state in a case that became known as *Abbeville School District v. The State of South Carolina*. In their 1993 lawsuit, the districts alleged that their impoverished state and inability to provide a competitive education to their students were direct results of the continued utilization of an outdated funding formula by the state in its annual allocation and distribution of funding for public education (*Abbeville I*). As has been previously denoted in this thesis, public school funding in South Carolina is addressed by two pieces of legislation: the Education Finance Act of 1977 (EFA) and the Education Improvement Act of 1984 (EIA). At the time these acts were implemented, there existed a widespread epidemic of poor-quality public education in South Carolina. While the two pieces of legislation were successful in improving the state's public education system on the aggregate, they did so by elevating the quality of education administered by one set of public schools, while failing to improve the quality of education administered by the other set of public schools (Chira).

The EFA establishes the state funding formula that was the focus of this lawsuit. The issue in question related to how the funding formula, which placed 30% percent of the burden for meeting the calculated appropriation figure on the school districts, did not cap school districts at only collecting that 30% worth of property tax revenue. Thus, those public-school districts in more economically well-to-do areas of the state were able to enjoy greater annual revenue than was provided for in their EFA figure, given that they had, by comparison, larger tax bases from which to draw revenue and could therefore invest more dollars in each of their individual students. The public-school districts in less economically well-to-do areas of our state, on the other hand, lacked those large tax bases from which to draw revenue and, therefore, had little-to-no hope of ever exceeding – or, in some cases, of even meeting – their annual EFA appropriation

figure. Ergo, this policy unwittingly catalyzed serious financial disparity between the rural and urban school districts in South Carolina (*Abbeville I*).

The rural school districts were joined by some of their taxpayers in suing the state of South Carolina on the grounds that the public education system was underfunded and, therefore, in violation of the education clause of the South Carolina Constitution. That education clause reads as follows: “The General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the state and shall establish, organize and support such other public institutions of learning as may be desirable” (S.C. Const. Art. XI, § 3). The districts made several other challenges to the state’s public education funding system, but their challenge relating to the education clause of the state constitution was the only one affirmed by the South Carolina Supreme Court. In their opinion from 1999, the court noted that the appellants “did not seek ‘equal’ state funding, since they already receive more than wealthier districts, but instead allege that the funding results in an inadequate education” (*Abbeville I*).

Although the trial court held that the education clause did not impose a qualitative standard on the public education system maintained by the General Assembly, the state Supreme Court disagreed, holding that “the South Carolina Constitution’s education clause requires the General Assembly to provide the opportunity for each child to receive a minimally adequate education” (*Abbeville I*). In their divergence from the trial court on this issue, the court cited precedent from *State ex rel. Rawlinson v. Anson*, *Washington v. Salisbury*, and *State v. Broad River Power Co.* The court also pointed to existing state statutory law in which the General Assembly had established its own duty “To guarantee to each student in the public schools of South Carolina the availability of at least minimum educational programs and services” (S.C. Code Ann. §59-20-30). The court went on to define that minimally-adequate education “to

include providing students adequate and safe facilities in which they have the opportunity to acquire: (1) The ability to read, write, and speak the English language, and knowledge of mathematics and physical science; (2) A fundamental knowledge of economic, social, and political systems, and of history and governmental processes; and (3) Academic and vocational skills.” (*Abbeville I*).

After this ruling, the Supreme Court sent the case back to the trial court on remand, so that a determination could be made as to whether the students in the plaintiff districts were being afforded the opportunity to acquire a minimally adequate education in adequate and safe facilities, as defined by the South Carolina Supreme Court. On appeal, the state Supreme Court ruled that “our State's education system fails to provide school districts with the resources necessary to meet the minimally-adequate standard. In addition, the cost of the educational package in South Carolina is based on a convergence of outmoded and outdated policy considerations that fail the students of the Plaintiff Districts. Though the evidence demonstrates the intersection of statutes and ever-increasing funding streams, it does not show, at least to this Court, a comprehensive effort by the Defendants to determine the demands of providing the constitutionally mandated educational opportunity throughout the State. In our opinion, without that determination, it is near impossible for the Defendants to meet their constitutional obligation” (*Abbeville II*).

The court ruled 3-2 in favor of the plaintiff districts and ordered the General Assembly to take measures toward redressing the situation. The court did note, however, that the plaintiff districts were partly to blame for their own issues, as “at times [they prioritized] popular programs such as student athletics above the academic environment,” and proceeded to order that “the Plaintiff Districts must work in concert with the Defendants to chart a path forward which

appropriately prioritizes student learning” (*Abbeville II*). In 2015, the South Carolina Supreme Court voted 3-2 to vacate its 2014 decision. Its rationale was based on Justice John W. Kittenridge’s dissenting opinion from the 2014 ruling, wherein he argued that the court’s decision “violated fundamental separation of powers principles by involving itself in a matter that lies exclusively in the Legislative Branch” (Kittenridge). It is worth noting that two of the court’s justices had retired and been replaced between 2014 and 2015.

From 2014-2015, the legislature had begun working toward solving the problem of the plaintiff districts. Then-House Speaker Pro Tempore Jay Lucas had formed the House Education Policy Review and Reform Task Force, which “conducted public hearings and is developing remedies addressing the findings of the Court” (Kittenridge). Then-Senate President Pro Tempore Hugh Leatherman had formed the Senate Finance Special Subcommittee for Response to the *Abbeville* Case, which was also working to address the court’s findings (Kittenridge). Additionally, the plaintiff districts had begun working alongside the legislature to devise and propose remedies which addressed the findings of the court.

V. LEGISLATIVE SUMMARY OF THE ORIGINAL BILL [H.3759 and S.419]

A. Summary:

The bill overhauls the state public education system (1) by establishing several key committees and initiatives and (2) by modifying the functions of, responsibilities of, and policies governing each of the following entities: the State Board of Education, Department of Education, Commission on Higher Education, and local school boards, public high schools, colleges, universities, two-year colleges, and technical colleges within South Carolina. The bill accomplishes these reforms (1) by establishing the following entities and standards: the Statewide College and Career Readiness Goal, Student Bill of Rights, Zero to Twenty

Committee, and Enhancements to Workforce Preparation and (2) by addressing the following outstanding issues: Educator Development and Satisfaction, Help for Students in Underperforming Schools, and Local School Board Accountability.

B. The Bill:

SECTION 59-1-485

-Establishes statewide workforce readiness goal of at least 60% of all working age South Carolinians having a post-secondary degree or recognized industry credentials before the year 2030.

SECTION 59-63-1510

-Creates Student Bill of Rights, which sets out what state must guarantee to students by establishing expectations of and for the General Assembly, governor, state superintendent of education, state board of education, education in general [broken into specific expectations for the school districts, school boards, school district superintendents, and teachers], schools, students' personal well-being while at school, rules and procedures within schools, school zoning regulations, parents of students, and orientation of the educational system toward student success.

SECTION 59-5-10

-In line items (A)(1) - (A)(6), stylistic changes are made (e.g. "shall" to "must").

-Adds (B) which establishes new position for a nonvoting advisory member on the state board of education; must be a public-school student appointed by governor for two-year term.

SECTION 1-12-110

-Establishes "Zero to Twenty Committee" within Office of Governor. Defines purpose, functions, membership requirements, term duration, procedures for creating staff and officer positions, addressing vacancies, and per diem entitlements.

SECTION 1-12-120

-Committee is to set academic achievement benchmarks before Oct. 1, 2021; must include seven specific benchmarks enumerated in bill.

SECTION 1-12-130

-Committee is to explain those benchmarks and report annual progress made toward achieving them on a publicly accessible website.

SECTION 1-12-140

-Committee is to provide annual report to the General Assembly identifying areas that are failing to meet these benchmarks and providing recommendations for how the state and local governments can work collaboratively to solve these issues.

SECTION 59-29-250

-(A) Adds this section to Article 1 of existing chapter and title in order to establish computer science and mathematics coursework and incentives.

-(B) State Board of Education conducts reviews of grade-appropriate computer science, computational thinking, and computer coding standards.

-(C) Requires public high schools and public charter high schools to offer at least one computer science course. Establishes four criteria which must be met by offered course(s).

-(D) Establishes six standards for Department of Education to meet in support of this new measure. Includes hiring new employee to lead SC Computer Science Education Initiative, offering support for teachers of mathematics and comp sci, designing career pathways relevant to mathematics and comp sci, offering professional development for new teachers in these areas, providing information on career opportunities in related fields, and helping districts create opportunities to engage students in mathematics and comp sci.

-(E) and (F) relate to the development of certification programs and preparation programs for mathematics and comp sci teachers by State Board of Education and Department of Education and of guidelines for schools establishing requirements of comp sci teachers by Department of Education. CHE shall also determine financial incentives necessary to get higher ed institutions to offer training programs for teachers which meet these standards.

SECTION 59-18-310

-(B)(1) Removes social studies from list of subjects included in statewide assessment program for third graders.

SECTION 59-18-320

-(A) and (B) Conforming changes made to address change made in SECTION 59-18-310(B).

SECTION 59-18-325

-(C)(3) Removes requirement that Department of Education administer standards-based assessment in social studies to students in grades five and seven.

SECTION 59-156-250

-(A) Requires the Office of First Steps to School Readiness and State Department of Education to submit an early childhood literacy report, related to K4 and K5 students, to the Speaker of the House and the President of the Senate before August 1, 2021. Four criteria established for report; (B) adds a fifth criterion.

-(C) Requires that an additional report, serving to update the original report, be submitted in the same fashion before August 1, 2023.

SECTION 59-104-20

-(G) Adds a fourth criterion to method (1) of qualifying for Palmetto Fellows Scholarship: (d) student must earn at least one unit of credit in mathematics or comp sci and one unit of credit in English/language arts during their senior year. May be accomplished through dual enrollment and must be provided at no cost to student.

-Adds a third criterion to method (2) of qualifying for Palmetto Fellows Scholarship, which mirrors the additional criterion added to method (1) above.

-The addition of this criterion to both methods of qualifying for Palmetto Fellows do not apply to students in the senior class of the 2020-2021 school year.

SECTION 59-149-50

-(A) Conforming changes made to eligibility for LIFE Scholarship recipients. Addition of this criterion to LIFE Scholarship requirements to take effect in senior year beginning July 1, 2024.

-The addition of this criterion to LIFE Scholarship requirements do not apply to students in the senior class of the 2020-2021 school year.

SECTION 59-155-155

-Modifies Read to Succeed Initiative, requiring State Board of Education to approve up to five early literacy and numeracy screening assessment instruments for use in K5 through grade three.

-Establishes criteria which must be met by these early literacy and numeracy assessment instruments and factors for Board to take into consideration in creation of these instruments.

- Establishes protocol for how and when districts shall administer and be reimbursed for administering these instruments. Districts must use instruments selected by department but are not required to use these instruments in making decisions about whether a student will be promoted to next grade.

- Defines “literacy” as “the ability to read and write” and “numeracy” as “fluency in understanding numbers and mathematical operations.” Department must provide support for teachers administering these instruments and in understanding results.

- Establishes protocol for how a school district may go about using an alternative early literacy and numeracy screening assessment.

- Requires Department to monitor effectiveness of these instruments via an online reporting system; school districts must annually submit data requested by department to facilitate this process. Establishes functions which online reporting system must carry out.

SECTION 59-155-110

- (4) Changes sole instance of the word “comprehension” to “comprehensive” (correcting an adjective-noun agreement issue).

SECTION 59-155-120

- (5) Adds requirement that a “reading intervention” must be evidence-based and follow the three tiers of the Response to Intervention (RTI) framework.

- (10) Eliminates language relating to the Palmetto Assessment of State Standards as a means of assessing third-grade reading proficiency; replaces it with “in English/language arts.”

SECTION 59-155-130

- (3) Relating to the literacy teacher add-on endorsement by the State, adds stipulation that qualifying coursework offered by institutions of higher learning must be founded on scientifically-based reading practices and evidence-based interventions, including how to use data to identify struggling readers and inform instruction.

- (4) Adds conforming language to mirror the addition of the stipulation above regarding professional development offered to already-certified reading/literacy coaches and literacy teachers.

SECTION 59-155-140

-(B)(2)(a) Eliminates the option for literacy teachers to provide supplemental instruction to struggling readers before or after school “in book clubs.”

SECTION 59-155-150

-(B) Conforms language related to the utilization of universal screening and diagnostic assessments by school districts. Adds language clarifying the intensity and duration of interventions which must be provided to students between K4 and grade three who fail to demonstrate appropriate reading proficiency.

SECTION 59-155-160

-Conforms language to mirror the changes made in Section 59-155-120(10).

-Eliminates (A)(5)(a) through (A)(5)(e) from list of good cause exemptions from mandatory retention resulting from failure to meet English/language arts standards on state summative reading assessment.

-Replaces with new set of criteria for meeting exemption (5), which also number from (A)(5)(a) to (A)(5)(e). New exemption criteria generally relate to an instance where a teacher, through a reading portfolio, has documentation proving that a student has mastered third grade English/language arts standards. Establishes criteria for what that student portfolio must include in order to suffice as a means of gaining that student promotion to grade four.

-Eliminates (B)(4) in its entirety, which relates to the ability of a parent or legal guardian to appeal a decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained.

-Conforms language to mirror the changes made in Section 59-155-150(B), specifically related to clarifying the intensity and duration of reading interventions.

-Conforms language to mirror the changes made in Section 59-155-140(B)(2)(a).

SECTION 59-155-180

-Replaces language from (C)(2)(a) to (C)(2)(g) with an entirely new model dictating how reading coaches who are funded wholly or partially by state funds are to carry out their roles within their elementary schools.

-Establishes minimum qualifications for and duties performed by state-funded reading coaches, along with expectation that school districts monitor the effectiveness of, communicate with, and not assign administrative functions reserved for teachers to their literacy coaches.

-State Department of Education must oversee hiring of all reading coaches in a district which has more than 33% of its third-grade students scoring at the lowest achievement level on the statewide summative English/language arts assessment. The reading coaches assigned to and the principals over the elementary schools in these districts must attend professional development training provided by the Department of Education.

-Conforming changes made in line (C)(3).

-Adds line (8), requiring early childhood, elementary, and special education licensed teacher candidates must pass a “rigorous” test designed to ensure they understand the foundations of and are prepared to teach reading to all students.

-Adds (D), requiring that beginning July 1, 2020, the CHE and the Learning Disorders Task Force must collaborate to analyze the effectiveness of teacher education programs in preparing teachers to diagnose a child’s reading problems and to provide small group and individual student interventions that are scientifically-based and evidence-based.

-Teacher education programs must be evaluated in relation to the six components of the reading process. Commission shall report its findings and recommendations for improving these programs to the General Assembly.

SECTION 59-59-210

-Removes all existing language in section. Replaces with language (A) which creates a uniform system of dual enrollment college courses offered to high school students set to begin in the 2021-2022 school year.

-(B) CHE must convene the Advisory Committee on Academic Programs before Sept. 1, 2020 to develop agreement among all school districts and all public institutions of higher education in SC. Establishes guidelines for selecting members of this committee and purpose of committee.

-(C) Committee is to make recommendations to CHE before July 1, 2021 regarding dual enrollment course offerings and (D) work with Department of Education to study the content and rigor of high school courses.

-(E) CHE must update the Education and Economic Development Coordinating Council annually before July 1st on committee’s progress.

-(F) Effective July 1, 2022, public institutions of higher learning and public-school districts may no longer enter individual articulation agreements. All previously developed agreements of this nature become void on that date.

SECTION 59-18-365

-Adds this section to Article 3 (A) establishing the duty of the Department of Education to track student performance from kindergarten through grade twelve in reading and mathematics. Must

be done by way of a common, consistent scale that is nationally recognized and approved by Education Oversight Committee. Begins with the 2020-2021 school year.

-Establishes guidelines for what information should be provided in these reports, that they should include Lexile and Quantile scores, and that they should be provided to teachers and parents annually.

-(B) Department is to provide resources to parents designed to improve student growth in reading and mathematics; must include Lexile and Quantile scores recommended for specific careers. (C) Department is to provide resources to teachers designed to help them use common, consistent scale measures and to improve the teaching and learning of reading and mathematics.

-(D) Before 2020-2021 school year, department, local schools, and districts are to identify and administer assessments linked to common, consistent scales.

-(E) Establishes variations in the administration and reporting of reading and mathematics assessments by grade level. Guidelines here group grade levels into 3 categories: (1) K5 through second grade, (2) third grade through eighth grade, and (3) high school level.

-(F) Before Jan. 1, 2021, Department and State Board for Technical and Comprehensive Education are to establish Lexile and Quantile scores to serve as common minimum admission scores; they are also to provide guarantees that students with sufficient scores may not be required to enroll in reading or mathematics remediation at the postsecondary level.

SECTION 59-5-65

-(7) Removes all existing language. Establishes that a student who fails to meet readiness benchmarks for entry-level college coursework in English and mathematics only may take remedial coursework for those subjects in public high schools. Public institutions of higher learning may not offer such remedial coursework in a standalone format or as enriched sections of entry-level courses in English and mathematics.

SECTION 59-18-1950

-(B)(1) and (B)(4) Conforming changes made to mirror the changes made in Section 59-5-65(7).

SECTION 59-59-20

-Eliminates all existing language in (A) and (B). Replaces with (A)(1) relating to the development of a career pathways system by the Department of Education in collaboration with the Technical College System, CHE, DEW, and the Department of Commerce. Establishes guidelines for and intended goals of career pathways system.

-(A)(2) After creation of career pathways system, Department is to develop a curriculum aligned with state content standards, organized around career pathways system and system of career clusters aligned with state and regional workforce needs. Establishes guidelines for and goals of curriculum.

-(B) Provides protocol for how elementary, middle, and high schools are to assist students in incorporating information from the career pathways system and career clusters into their progression along their individual graduation plans. (1) relates to elementary schools, (2) to middle schools, and (3) to high schools.

SECTION 59-59-50

-Eliminates existing language in (A). Replaces with (A)(1), which mandates that beginning with the 2020-2021 school year and every 5 years thereafter, the Department of Education is to develop pathways under each career cluster and programs of study under each pathway.

-(A)(2) In developing those programs of study, the Department is to emphasize the high-skill and in-demand pathways identified as critical to the state's workforce development system.

-Adds (C), which mandates that before August 1, 2021, the Department of Education, DEW, the Technical College System, and the CHE are to develop a pathway certification process for high schools and postsecondary institutions. Regional Education Centers are to create alignment between public education and postsecondary education and employers as well.

SECTION 59-59-60

-Eliminates all existing language. Replaces with three mandates for school districts, beginning with the 2021-2022 school year.

-(1) Districts are to organize high school curricula around a minimum of 3 career pathways that identify the regional and state workforce needs. Provides guidelines for and requirements of curricula.

-(2) Districts are to promote increased awareness and career counseling that focus on regional and state workforce needs and on the careers that require a high school diploma, industry certification, postsecondary degree, or postsecondary credential.

-(3) Districts are to review their selected pathways every 3 years and determine if a different pathway is more appropriate for local workforce needs. They are to report their process used in determining whether to keep or replace a pathway to the State Board of Education.

SECTION 59-53-30

-Adds new language to (A) and relegates all previously-existing language to (B), (C), and (D). New language mandates that the State Board for Technical and Comprehensive Education establish common minimum admissions scores for institutions within its jurisdiction. Explains procedure for differentiating between scores based on areas of study; details what information should be provided to individuals who do not meet the minimum scores.

-(B) Conforming changes made to reflect the establishment of common minimum scores in (A).

SECTION 59-150-360

-Organizational changes made to (A)(1). Adds language to (A)(1)(b) [which is generally related to requirements for qualifying for in-state tuition as a student enrolled in a technical college or a public two-year institution of higher learning in this state] allowing for enrollment in a noncredit program that awards a nationally-recognized business or industry credential, as defined by the State Board for Technical and Comprehensive Education, to suffice as a qualifying degree program for the purposes of the statute.

-Adds language to (A)(1)(d) denoting that the completion of a FAFSA only applies as a requirement to students enrolled in a program awarding college credit.

-Adds (A)(1)(f), which makes conforming changes to reflect the changes made to (A)(1)(b) and mandates that students enrolled in a qualifying noncredit program shall have graduated from high school or earned an equivalent high school credential within 7 years of first entering the ninth grade.

-Conforming changes made in (F).

SECTION 12-6-3800

-Allows a taxpayer to claim an income tax credit for the employment of a public-school grade 6-12 teacher as an intern. Establishes conditions which must be satisfied in order to qualify.

*Section 32 of the bill provides reporting requirements for the State Board for Technical and Comprehensive Education and the State Board of Education to the General Assembly; report must provide recommendations for how best to transfer adult basic education and adult secondary education from the latter department to the former; report must also provide a significant amount of other information related to adult education programs, all of which is delineated in the section; report is to be provided to General Assembly before July 1, 2021.

SECTION 59-19-350

-(A) Replaces phrase “a school of choice” with “schools of innovation,” which can be created by districts and achieve exemption from specific state statutes.

SECTION 59-8-1115

-Adds section to Codes. (A) Provides qualifications and requirements for a school wishing to hire noncertified teachers. (B) requires schools to individually register their noncertified teachers with their districts, which reserve the right to terminate the employee.

SECTION 59-25-25

-Adds section to Codes. (A) Provides reporting requirements for institution of higher education seeking approval from State Board of Education on alternative programs of educator preparation. (B) Department of Education must annually report the number of individuals employed in SC schools with certificates issued by these alternative programs to State Board of Education and General Assembly before March 31.

SECTION 59-26-20

-Adds subsection requiring State Board of Education to administer cyclical evaluations of all approved teacher educator programs. Establishes guidelines for developing cyclical evaluations.

SECTION 59-26-35

-Adds section to Codes. (A) Establishes “South Carolina Teacher Preparation Report Card,” which must be published annually by State Board of Education, before Nov. 1. State Board may seek assistance from Department of Education, CHE, and the Revenue and Fiscal Affairs Office. Establishes reporting requirements of and guidelines for report card. (B) Requires Department of Education, all educator preparation programs, and all school districts to report data as requested by State Board of Education insofar as it relates to completing this evaluation.

SECTION 59-26-120

-Adds section to Codes. (A) Establishes reporting requirements for Department of Education, regarding information on the graduates of each college of education and state-approved educator preparation program. (B) Establishes procedure for how these colleges and programs should utilize and handle this information provided to them. (C) Mandates that such provided information is not subject to FOIA.

SECTION 59-25-52

-Adds section to Codes. (A) Requires Center for Educator Recruitment, Retention, and Advancement to use and update the teacher satisfaction survey currently administered by the Department of Education. Establishes guidelines for the composition and (semiannual) administration of the survey. (B) Survey results must be provided to the Education Oversight Committee and must be published online by the Department of Education.

SECTION 59-20-50

-Removes all existing language in section. Establishes minimum starting salary for new teachers possessing a bachelor's degree as \$35,000, beginning FY 2019-2020. General Assembly must establish starting teacher salary each year in annual appropriations bill. Department of Education must deliver plan to General Assembly to replace existing teacher salary schedule with five to nine career bands before July 2021.

SECTION 59-111-110

-Adds line item (A)(3), establishing new exempted class from tuition charges by public institutions of higher learning: children of full-time certified classroom teachers with at least five years of teaching service. Establishes requirements these teachers must meet in order to qualify.

SECTION 59-11-155

-Adds this section to Article 3; new language defines a "public school teacher."

SECTION 59-19-360

-Adds this section to Article 1; new language delegates authority to local school boards to allot daily mileage reimbursement to teachers traveling more than 25 miles each way between home and school, in accordance with existing federal statutes.

SECTION 59-18

-Adds a new article to this Chapter 18, Title 59 of the 1976 Code: Article 16 "Increasing Accountability."

SECTION 59-18-1615 [Part of new Article 16 "Increasing Accountability"]

(A) Mandates that elementary and high school faculty, in conjunction with school improvement council [established in Section 59-20-60], must create a revised renewal plan called the "school turnaround plan" if students are underperforming on SC READY assessments or EOC assessments, respectively. Establishes guidelines for developing school turnaround plan.

-(B) Requires Department of Education to assist some of the schools and school districts identified in (A) and establishes how the department is to go about offering that assistance.

-(C) Requires the school boards associated with the schools identified in (A) to provide assistance to those schools, in consultation with the Department of Education. Establishes how those school boards are to go about offering that assistance.

-(D) Establishes chain of review which a school turnaround plan must undergo and establishes annual reporting requirements on part of school district regarding progress made.

-(E) Requires that conforming changes be made to the professional growth plans for principals and teachers [established in Sections 59-26-40 and 59-24-40] to match the implementation of a school turnaround plan.

-(F) Establishes reporting requirements for schools identified in (A), regarding student performance on SC READY or EOC assessments, to parents and the public.

-(G) Requires Department of Education to delineate the specific methods of assistance it will offer to those schools identified in (A). Also establishes reporting requirements for department, regarding that assistance offered, to General Assembly.

-(H) Requires schools identified in (A) to offer an orientation class to parents; establishes guidelines for the content which orientation class must cover and for how, when, and under what circumstances such an orientation class must continue to be offered.

-(I)(1) Requires Department of Education to implement the provisions of this section through the Office of Transportation, which must provide technical assistance to underperforming schools and districts, in accordance with tiers of technical assistance; establishes criterion to be considered in the development of those tiers; (2) further clarifies what may be included in those tiers;

-(I)(3) requires the department to administer a needs assessment to low-performing schools, establishes reporting requirements for the External Review Team, which must review these schools and districts, and requires low-performing schools and districts to use the recommendations of the External Review Team to develop an updated school renewal plan or district strategic plan

-(I)(4) Requires department to assist with and monitor the improvement of low-performing schools and districts; establishes reporting requirements for the department to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the

Chairman of the Senate Education Committee, the Chairman of the House Education and Public Works Committee, the local legislative delegation, and the Governor.

-(I)(5) Establishes guidelines for how department should utilize its funds to identify, assist, and monitor low-performance schools and districts.

SECTION 59-18-1620 [Part of new Article 16 “Increasing Accountability”]

-(A) Defines “chronically underperforming” as the term relates to schools. Establishes three pathways by which chronically underperforming schools may be dealt with.

-(B) Delegates the authority to select the appropriate pathway for dealing with a chronically underperforming school to the State Superintendent, with input from local school board of trustees.

-(C) Reserves the final decision-making authority in these instances to the State Board of Education; delineates that the decision of the superintendent and local school board is advisory.

-(D) Establishes reporting requirements for chronologically underperforming schools.

SECTION 59-18-1640 [Part of new Article 16 “Increasing Accountability”]

-(A) Requires state superintendent to declare a school or district to be in a state of emergency if certain conditions are present and to appoint an external review committee over the school or district. Establishes purpose of and reporting requirements for the external review committee.

-(B) (1) Establishes procedures to be carried out by Department of Education following the approval of the external review committee’s recommendations by the state superintendent. (2) Establishes further reporting requirements for external review committee.

-(C) Defines two options from which the State Board of Education may choose as its means of dealing with a district in a state of emergency.

-(D) If a district is in a state of emergency for four consecutive years, the district and the local school board of trustees are dissolved; all of their powers, duties, responsibilities are transferred to the entity charged with operating the schools.

SECTION 59-18-1650 [Part of new Article 16 “Increasing Accountability”]

-Establishes the South Carolina Transformation School District (SCTSD) as an organizational unit of the Department of Education; defines its purpose as being to operate and manage underperforming schools.

-(B) Specifies that the state superintendent may contract the management and operation of schools placed into the SCTSD to one or more individuals, governmental entities, or nonprofit entities.

-(C) Provides that any of those entities established in (B) which are contracted by the state superintendent may apply for a waiver of any regulation that hinders the ability of the school to achieve the required adequate yearly progress benchmarks; prevents the state superintendent and the State Board of Education, which receive and approve those waiver applications, from waving any rules related to eleven specified subjects.

-(D) Delegates authority over whether to retain teachers assigned to schools in SCTSD to those entities established in (B) which are contracted by the state superintendent.

-(E) Establishes that for schools placed in SCTSD without having their local districts dissolved or consolidated, the state superintendent is to develop a transition plan designed to return the school to the jurisdiction of the local board of trustees, provided that the school achieves the required progress benchmarks for two consecutive years.

-(F) Delineates how SCTSD is to receive and use funding for the purpose of operating schools.

-(G) Establishes reporting requirements for those contracted entities established in (B) to the local school board of trustees and superintendent; permits local school board to support and work with the state superintendent to provide various services which improve the school.

-(H) Requires contracts to manage an SCTSD school to maintain expenditure reports for funds received and expended pursuant to these contracts.

-(I) Provides circumstances under which the SCTSD may require the local board of trustees to provide school or student support services for a school transferred from its jurisdiction to the SCTSD. Requires the school district to reimburse the actual cost to the system providing the service; provides protocol for handling a dispute over the cost of this service. Establishes that the facility access and use granted to SCTSD across the schools under its jurisdiction is unrestricted, except that SCTSD must provide routine maintenance and repair for those facilities.

SECTION 59-17-15

-New section added to existing article. (A) requires local school districts with a K-12 enrollment of fewer than one thousand students be merged with other school districts in the same counties before Aug. 1, 2023. Establishes reporting requirements for state superintendent to General Assembly regarding the legislative actions necessary for accomplishing district mergers.

-(B) Denotes the specific considerations which state superintendent must take into account in developing the legislative action report established in (A).

-(C) Establishes further objectives which must be covered in state superintendent's report established in (A); defines "administrative and professional services" for the purposes of the subsection.

SECTION 59-39-100

-Adds new line item (C), which establishes that beginning with students entering the ninth grade in the 2020-2021 school year, a local board of trustees may require additional units of credit for a high school diploma. Conforms rest of section by making it (D) through (F).

SECTION 59-19

-Adds a new article to Title 59, Chapter 19 of the 1976 Code: Article 5 “Local School Governance.”

SECTION 59-19-710 [Part of new Article 5 “Local School Governance”]

-Identifies purpose of new article, which is to enhance local school governance by promoting high standards of ethical behavior and to provide the procedure for addressing instances of deficient local school governance.

SECTION 59-19-720 [Part of new Article 5 “Local School Governance”]

-Defines twelve necessary terms for the purposes of this article.

SECTION 59-19-730 [Part of new Article 5 “Local School Governance”]

-(A) Requires the State Board of Education to adopt a model code of ethics for local school board members before July 1, 2020.

-(B) Requires a local school board to adopt a local code of ethics within three months of the state board adopting the model code of ethics. Provides instructions and reporting requirements for local school boards, with regard to adopting and maintaining their local codes of ethics.

SECTION 59-19-740 [Part of new Article 5 “Local School Governance”]

-(A) Requires local school boards to adopt policies regarding nepotism, which, at a minimum, must include the provisions established in line items (B), (C), and (D) of this section.

SECTION 59-19-750 [Part of new Article 5 “Local School Governance”]

-(A) Clarifies how local school board members and school officials are to avoid conflicts of interest.

-(B) Allows school board members to create or modify the salary, travel stipend, or other compensation they receive, but mandates that such creation or change will not become effective until after the following general election of two or more members of the board.

-(C) Establishes procedure for a local school board to request the State Ethics Commission conduct a hearing concerning the violation of one of the conflict of interest provisions established in (A) by a board member.

SECTION 59-19-760 [Part of new Article 5 “Local School Governance”]

-(A) Establishes reporting requirements for State Department of Education or other public-school accrediting agencies to the State Board of Education that place any district or school on the level of accreditation immediately preceding the loss of accreditation for school governance reasons.

-(B) Establishes reporting requirements for local school boards to the State Board of Education if that local board’s district or one of its schools is placed on the level of accreditation immediately preceding the loss of accreditation.

-(C) Establishes protocol for State Board of Education and the Governor, with regard to redressing a local school board that falls into the category described in (A) and (B). Establishes rights of local school board members in this instance.

-(D) Establishes requirements for all hearings conducted pursuant to subsection (B).

-(E) Defines the scope of this provision.

SECTION 59-18-920

-Amends existing language to incorporate that the performance of students attending charter schools sponsored by registered institutions of higher learning must be included in the overall performance ratings of each school.

SECTION 59-19-55

-New section added to Article 1. Requires that trustees and school officials comply with the provisions of Article 1, 7, 11, and 13, Chapter 13, Title 8. Defines necessary language.

SECTION 8-13-810

-New section added to Article 7.

-(A) Establishes reporting requirements for the State Board of Education to notify the State Ethics Commission by July 1st of each year of any local school board member who fails to

comply with the provisions of Section 59-19-45. Establishes guidelines for levying a civil penalty against a local school board member who falls into this category.

-(B) Delegates the State Ethics Commission the power to impose an oral or written warning or reprimand on a local school board member falling into the category established in (A).

-(C) Establishes the right of a local school board member to be provided notice and an opportunity for a hearing prior to being terminated for violating the provisions of this section.

SECTION 1-3-240(A)

-(A) Adds local school board members/trustees to the list of officials who are subject to removal by the governor.

SECTION 59-19-45

-(A) Technical changes made, updating the requirements for school district boards of trustees to complete a training program regarding their position as a trustee.

-(B) Removes all existing language from subsection; (1) adds new language requiring the State Board of Education to adopt a model training program for training local school board members by December 31, 2019. Establishes guidelines for designing and periodically updating the training program. (2) Requires local school boards to adopt local training programs within three months of state board adopting its model training program; establishes guidelines for structuring these local training programs and reporting requirements to the State Department of Education.

-(C) Removes all existing language from subsection; Establishes further requirements for school board members/trustees, relating to ethics disclosure.

-(D) and (E) Conforming changes made to reflect the technical changes made in (A). Reporting requirements established in (E) for State Department of Education, regarding keeping a record of school board trustees complete the training program for, at minimum, five years.

SECTION 59-19-60

-(A) Conforming changes made to reflect changes made in Chapter 3, Title 1. Shifts power to fill vacancies in boards of trustees from county board of education to the local legislative delegation.

-(B) Establishes the instances in which the governor may remove a member of a school district board of trustees [in addition to those already established in Chapter 3, Title 1].

-(C) Establishes special protocol to be carried out in the case that the entire membership of a board of trustees is removed.

-(D) Provides that if one or more members, but not the entire membership, of a board of trustees is removed, the governor must fill the vacancies within ninety days.

-(E) Establishes that a person appointed to fill a vacancy, pursuant to subsection (C) or (D), is to serve until the next general election and may run in that general election for the seat to which he was appointed.

-(F) Establishes that if only two members remain serving on a board of trustees, the members may take no action that requires a vote until a third member is appointed.

SECTION 59-1-444

-New section added to Article 5. (A) Establishes reporting requirements for the State Department of Education, regarding all relevant documented information that may be requested by the Senate Education Committee or House Education and Public Works Committee. (B) Establishes financial penalty to be levied against department for each instance where it fails to comply with the provisions of this section.

SECTION 59-19-90

-(3) Technical changes made.

*Article 15, Chapter 18, Title 59 of the 1976 Code is repealed.

*Provides that if any portion of this act is held to be unconstitutional or invalid, such a holding does not affect the constitutionality or validity of the remaining portions of this act.

VI. AMENDMENTS ADOPTED TO H. 3759 IN THE HOUSE

*Name of the bill changed to "South Carolina Education, Career Opportunity, and Access for All Act."

SECTION 59-1-485

-Establishes consistency of statewide workforce readiness goal with the Profile of the South Carolina Graduate.

SECTION 59-63-1520

-Technical changes made to the language. Further clarifies what students should be able to expect from their schools and parents or guardians.

SECTION 59-63-1530

-Section added in order to clarify that the provisions of this article do not create or imply a private cause of action for a violation of its provisions.

SECTION 59-5-10

-Formatting and technical changes made to (B). (B)(2) added, which requires that the current South Carolina Teacher of the Year serve as a nonvoting advisory member of the State Board of Education.

SECTION 1-12-110

-(A) Renames the “Zero to Twenty Committee” to the “Special Council on Revitalizing Education.”

-(B) Conforming changes made to reflect change in (A); amends membership requirement to 10 members; allows governor to delegate the position and duties of chairman of the council to the lieutenant governor.

-(C) Technical changes made to language; adds “business” as an additional option for satisfying the professional background qualification for appointed members of the council; provides that two of its members must be current or retired teachers, one appointed by the House and one by the Senate.

-(D) Conforming change made to reflect change in (A).

-(F) Renames “education tsar” to “executive director;” specifies that the governor shall hire this executive director and establishes the professional background which this executive director must possess; establishes that the governor is to appropriate staff to fulfill the requirements of this section, and that the section takes effect upon the appropriation of funding for the positions by the General Assembly.

-(G), (H), (I), and (J) Conforming changes made to reflect the change made in (A).

SECTION 1-12-120

-Conforming changes made to reflect the change made in Section 1-12-110(A).

SECTION 1-12-130

-Conforming changes made to reflect the change made in Section 1-12-110(A).

SECTION 1-12-140

-Conforming changes made to reflect the change made in Section 1-12-110(A); technical changes made to the language.

SECTION 59-29-250

-(D)(3) “Graphic design” added as a high-demand career field into which the Department of Education should look to design career pathways for students.

-(D)(4) Eliminates requirement that new computer science teachers must complete a two to four week, full day summer institute that consists of thirty hours of instruction conducted over ten consecutive weekdays, in order to qualify for professional development offerings and teacher endorsements from the Department of Education.

SECTION 59-18-310

-(B)(1) Removes US History EOC that students were previously required to pass in order to graduate from high school; conforming changes made to the language.

SECTION 59-18-320

-(A) and (B) Conforming changes made to the language to reflect the changes made in Section 59-18-310(B)(1).

SECTION 59-18-325

-(C)(3) Removes eighth grade science assessment which formerly had to be procured and administered by the Department of Education; adds requirement for the Department of Education to embed assessment items on the SC Ready reading and writing assessments that address the appropriate grade-level social studies standards, beginning with the 2021-2022 school year.

SECTION 59-18-130

-New section added to Article 1 of this chapter. (A) Requires the superintendent of education to utilize lower child-to-teacher ratios as a strategy to assist chronically unsatisfactory schools; (B) requires districts to draw from existing funding to bear the expense of meeting and maintaining

lower ratios; also provides that districts unable to fully bear the expense may seek a waiver from the obligation to bear the full expense from the State Department of Education.

SECTION 59-104-20

-(G)(1) Conforming changes made to reflect the change made in the following line item;
(G)(1)(a) Establishes a minimum ACT score of 25 as one potential criterion for qualifying for the Palmetto Fellows Scholarship; (d) Clarifies that college credit-courses may be used in an equivalent fashion to dual-enrollment credits for the purpose of fulfilling certain credit requirements for Palmetto Fellows Scholarship eligibility.

-(G)(2)(a) Establishes a minimum ACT score of 31 as one potential criterion for qualifying for the Palmetto Fellows Scholarship; (c) Clarifies that college credit-courses may be used in an equivalent fashion to dual-enrollment credits for the purpose of fulfilling certain credit requirements for Palmetto Fellows Scholarship eligibility.

SECTION 59-149-50

-(A) Establishes a minimum ACT score of 22 as one potential criterion for qualifying for the Palmetto Fellows Scholarship; conforming changes made.

-(B) Relegates existing language into new clause (C); adds new language requiring the CHE to adjust the minimum SAT and ACT scores required by this chapter to ensure equivalency in the event that SAT or ACT changes their respective scoring ranges.

SECTION 59-155-155

-(B) Districts that administer one or more literacy and/or numeracy instruments in the first thirty days of the school year will repeat that administration if, and only if, the student demonstrates literacy and numeracy deficiencies at midyear and at the end of the school year.

SECTION 59-155-140

-(B)(2)(a) Requires districts to continue to provide appropriate in-class intervention and at least thirty minutes of supplemental intervention by certified teachers who have a literacy add-on endorsement until all K5 through grade 12 students are reading and writing at grade level.

SECTION 59-155-150

-(B) Adds “teacher observations” as a method upon which a child in prekindergarten, kindergarten, first grade, second grade, or third grade may be determined to not be demonstrating proficiency in reading.

SECTION 59-155-160

-(A) Conforms dates; makes a technical change to the language; encourages districts to develop policies for intensive support and retention of students in kindergarten through grade two if it determined to be in the student's best interest.

-(B)(4) Strikes all new language inserted into this clause by the original bill; adds new language re-establishing the right of a parent or legal guardian to appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained; establishes procedure for the appeals process and establishes reporting requirements for school districts relating to instances of appeals.

SECTION 59-155-180

-(C)(2)(a) Re-establishes requirement that reading coaches be employed by each elementary school; (C)(4) Requires local school districts, in collaboration with the Department of Education, to offer the courses necessary for earning the literacy teacher-add on endorsement to educators at no charge.

SECTION 59-59-210

-Technical changes made to the language in (A) clarifying that the section applies not only to public institutions of higher education, but also to independent institutions of higher learning, as defined by Section 59-113-50.

-(B)(1) and (B)(2) Conforming changes made to reflect the change made in (A); "Career and Technical Education Directors" added to the list of individuals in (B)(1)(c) from which the membership of the Advisory Committee on Academic Programs must be drawn.

-(C) Conforming changes made to reflect the change made in (A).

-(F) Conforming changes made to reflect the change made in (A).

SECTION 59-25-60

-New section added to Article 1 of this chapter. (A) Establishes that each classroom teacher and full-time librarian is entitled to at least a thirty-minute daily planning period free from the instruction and supervision of students. Provides guidelines for and restrictions on how districts might go about establishing their compliance with this new policy.

SECTION 59-18-365

-Further amendments made to this section of Article 3 of this chapter. (E)(3) Clarifies that local schools and districts are only to use one locally determined test to measure high school students' reading ability and mathematical understanding, specifically in determining Lexile and Quantile scores; one technical change made to the language.

-(F) Requires the Department of Education and the State Board for Technical and Comprehensive Education to establish high school equivalency assessment thresholds that serve as common minimum admissions scores as defined in Section 59-53-30.

SECTION 59-5-65

-(7) Eliminates language from original bill that restricted students who fail to meet readiness benchmarks for entry-level college coursework in English and mathematics to only being permitted to take remedial coursework for those subjects in public high schools. Also eliminates mandate that public institutions of higher learning may not offer such remedial coursework in a standalone format or as enriched sections of entry-level courses in English and mathematics.

-(7 continued) New language added identifying that effective Aug. 1, 2024, public two-year institutions of higher education may provide required remedial courses to eligible persons; establishes criteria for individuals to be deemed "eligible;" requires that the instructional costs for up to one academic year for such individuals must be paid for by the public school district from which the student earned his high school diploma or was last enrolled before earning his high school equivalency credential.

SECTION 59-101-350

-The amendment made to clause (B)(4) of this section by the original bill stating that "the percent and number of students enrolled in remedial courses and the number of students exiting remedial courses and successfully completing entry-level curriculum courses Reserved;" is struck.

SECTION 59-59-20

-(A)(1) Establishes deadline for the development of a career pathways system as being before Aug. 1, 2022; relieves the Technical College System, CHE, Department of Employment and Workforce, and the Department of Commerce from the obligation of assisting the Department of Education in developing the career pathways system; establishes that the Education and Economic Development Act Coordinating Council is the sole entity which must collaborate with the department in developing the career pathways system.

-(A)(2) Requires that the department take input from the business community into account in its development of the curriculum defined in (2)(a) through (2)(d).

SECTION 59-59-50

-Conforming changes made to (C) to reflect the changes made in Section 59-59-20 (A)(1).

SECTION 59-59-60

-Technical changes made to the language; requires districts to coordinate with each other to ensure that students have increased access to multiple pathways; establishes protocol for how the Department of Education is to fund and manage these cross-district programs.

SECTION 59-53-30

-(A) Establishes deadline by which the State Board for Technical and Comprehensive Education is to establish common minimum admission scores for institutions within its jurisdiction as being before Aug. 1, 2021.

-(C) One technical change made to the language.

*In section 33 of the bill, the date by which the State Board for Comprehensive Education and the State Board of Education must provide a report to the General Assembly related to adult education is altered to before July 1, 2020 [deadline was previously before July 1, 2021]. In (2), several technical changes are made to the language; (2)(g), which required the boards to develop a plan and a timeline for moving the operation of all career and technology centers to technical colleges, is struck from the bill.

SECTION 59-8-1115

-This section was added to Article 11 of this chapter by the original bill. It is stripped away entirely in the amended version adopted by the House. The section had allowed schools which received “Good” or “Excellent” on their annual report cards for at least two consecutive years to hire noncertified teachers in a ratio of up to 25% of their entire teaching staff.

SECTION 59-25-910

-Establishes new act in the 1976 Code, known as “Teacher Bill of Rights.”

SECTION 59-25-910

-Establishes what all certified public-school teachers in South Carolina should be able to expect; nine expectations are outlined.

SECTION 59-25-930

-Establishes that the provisions of this article do not create or imply a private cause of action for a violation of its provisions.

SECTION 59-26-120

-(A)(2) One technical change made to the language.

SECTION 59-25-52

-(A)(15) Adds “professional growth opportunities in content areas” as the fifteenth criterion which the Center for Educator Recruitment, Retention, and Advancement must ensure that its semiannually administered survey assesses; conforming changes made to (A)(13) and (A)(14).

SECTION 59-20-50

-(3) One technical change is made to the language.

-(4)(b) Establishes that beginning with FY 2019-2020, minimum teacher salary is \$35,000; establishes the funding sources upon which salary increases are to be based.

-(4)(b)(4) Redundant language is struck, and language related to the the pay band study required of the State Department of Education is also struck; new language added clarifying that the salary schedule and Education Finance Act inflation factor may be determined in the annual General Appropriations Act.

SECTION 59-111-110

-(A)(3) Relating to categories of persons whose children may not be charged tuition while attending a state-supported college, university, vocational school, or technical school, provides that in the event a school with an unsatisfactory rating improves to the level that is no longer satisfactory, the children of a full-time certified classroom teacher with at least five years teaching service will continue to receive this categorical tuition exemption, but for no more than four years.

SECTION 59-111-155

-One technical change made to the language.

SECTION 59-19-360

-One technical change made to the language.

SECTION 59-63-31

-New subsection added to existing section, establishing the right of a local school board to allow its teachers to enroll their children in the schools where they teach, regardless of the student's zoned area of attendance, and if space is available at the receiving school.

SECTION 59-19-370

-New section added to Article 1 of this chapter. (A)(1) Establishes that the State Board of Education may exempt a district or school that is seeking to implement competency-based education from state laws, policies, and regulations that hinder the implementation of certain competency-based practices; provides procedure for how a district may obtain such an exemption and provides the necessary conditions for a waiver to be considered.

-(A)(2) Provides further requirements with which districts submitting waivers must comply;
(A)(3) provides that a district whose waiver is approved may request additional exemptions and may request amendments to its current approved waiver on a rolling basis.

-(B) Establishes that competency-based education is designed to improve educational outcomes for students by advancing their mastery of concepts and skills through a series of defined core principles.

-(C) Establishes certain sets laws from which a local school board and the State Board of Education are not allowed to exempt a school.

-(D) Provides that a school operating under a waiver pursuant to this section is not allowed to discriminate against or show preference to an individual or group of individuals in its admission of children to attend the school.

-(E) Establishes procedure for ensuring that a school operating under a waiver pursuant to this section is not penalized in terms of calculating its state financial support, average daily membership and attendance, accountability purposes, and accreditation.

-(F) Establishes that if a school is operating under a waiver pursuant to this section, each student must remain enrolled in the state's student information system.

-(G) Requires State Department of Education to establish procedure for ensuring that a student attending a school operating under a waiver pursuant to this section who transfers to another

school is not penalized in terms of having to repeat coursework; provides that the department may provide a necessary accreditation exemption to a school that launches a competency-based education program.

-(H) Requires State Department of Education to create evaluation criteria and guidelines for schools that are operating under a waiver pursuant to this section; provides procedure for biennial cyclical review of data from participating schools by department; establishes reporting requirements for department relating to the waiver program to the governor and the legislature; provides protocol to be followed by department in the event that, upon a cyclical review, it is determined that a goal or objective isn't being met.

-(I) Requires the CHE and the State Board for Technical and Comprehensive Education to establish policies to provide fair and equitable access to institutions of higher education and technical colleges, as well as scholarships and financial aid for graduates of schools implementing innovative school models and using nontraditional diplomas and transcripts.

SECTION 59-18-1615

-(A)(2) One technical change made to the language.

-(H)(1)(f) Existing language relegated into new line item "(g)." New language added to (f) detailing that schools shall offer an orientation class for parents regarding information on all afterschool, extracurricular, summer learning, or other enrichment programs offered by the school or local community providers.

-(I)(4) One technical change made to the language; (I)(5) Scrivener's error corrected.

SECTION 59-18-1620

-(A)(1)(a) Removes the mandate added by original bill that the principal, faculty, and staff must be relieved of their duties and that dismissed employees may reapply; replaces it with statement that the state superintendent shall make all personnel decisions; conforming changes made; establishes that the state superintendent has authority to determine whether to terminate the principal, faculty, and staff. Technical changes made to the language in (A)(1)(b) and (c).

-(D) Conforming change made to the language.

SECTION 59-18-1640

-(A)(8) Technical changes made to the language. (C) Scrivener's error corrected.

SECTION 59-18-1650

-Conforming changes made in (A) and (B).

SECTION 59-17-15

-(A) Relating to the consolidation of schools, adds second criterion which must be met by a school district in order for it to be eligible for consolidation: greater than fifty percent of the students attending its schools have report card ratings that are below average or unsatisfactory.

SECTION 59-19-720

-Removes definition of "Board member" added by original bill.

SECTION 59-19-730

-(A) One technical change made to the language.

-(B) Conforming changes made to (1) and (2) to reflect the change made in (A). (4) Language added by the original bill related to FOIA is struck; new language added establishing that a local school board is not precluded from adopting a policy, in a regularly scheduled meeting, that prohibits certain disclosures allowed by law.

SECTION 59-19-740

-Technical changes made to the language in (C)(2)(b).

SECTION 59-19-760

-Conforming changes made in (D) to reflect the technical change made in Section 59-19-730(A). One technical change made to the language in (E).

SECTION 59-18-920

-Scrivener's error corrected in section title; one technical change made to the language added by the original bill.

SECTION 8-13-810

-(A)(2)(a) Removes language inserted by original bill that established imprisonment for up to thirty days as a punishment which may be levied against a local school board member who has failed to complete the training program established in Section 59-19-45 and is a first offender. (b) Imprisonment for no less than a mandatory minimum of thirty days is removed as a punishment which may be levied against a second offender in the case established in (a). (c) Imprisonment for not more than one year is removed as a punishment which may be levied against a third or subsequent offender in the case established in (a).

-(C) One technical change made to the language.

SECTION 59-1-444

-Clause (B), which was added by the original bill and levied a fine of ten thousand dollars per day on the Department of Education for each separate failure to comply with the provisions of the section, is struck completely from the bill.

**The original bill ends here. All further material in the bill consist of new additions of sections or new revisions to existing sections that were adopted by the House Education and Public Works Committee or by the House on the floor.

SECTION 61 [of the Bill, NOT of the Code of Laws]

-(A) Establishes purpose of section as being to maximize the effectiveness of every dollar spent on public education in South Carolina; requires General Assembly to determine whether the value of the federal education funding received exceeds the cost of compliance with the consequently-imposed federal control and regulation; establishes the General Assembly's belief that state-funded education programming is the best opportunity to streamline compliance and return control of education policy to the state and local level.

-(B) Establishes reporting requirements for Legislative Audit Council to study and publish a report on or before Aug. 1, 2020 detailing federal funding streams for programs and grants in elementary and secondary education in SC and that breaks out the cost of overhead, compliance, and reporting incurred by the state's public education system.

-(C) Provides guidelines for what the Legislative Audit Council's study must focus on.

-(D) Provides considerations which the Legislative Audit Council's study must incorporate.

SECTION 59-40-70

-(A)(3) One technical change made to the language; an individual who has submitted a charter school application must provide written notification by certified mail of having done so to all members of the local delegation of the county in which the charter school has been proposed; such an individual must provide a copy of the charter school application upon request by a member of the local delegation.

SECTION 59-17-170

-Requires the Department of Education to develop a technology plan that addresses wireless internet access for all public schools; establishes reporting requirements for department to have the plan submitted to the Speaker of the House and the President of the Senate by Aug. 1, 2021.

SECTION 12-6-3800

-New section added to Article 25 of the 1976 Code. (A) Establishes that a taxpayer employed by a K12 school in a Tier IV county may claim a refundable income tax credit equal to one hundred percent of the property taxes he/she paid on his/her legal residence in the previous tax year; this tax credit may only be claimed for five consecutive years; a qualified taxpayer may continue to claim this tax credit for up to five consecutive years regardless of whether the county's designation changes during that time.

-(B) Establishes that a qualified taxpayer shall claim the credit in the year in which the property taxes are paid.

-(C) Requires the Department of Education to prescribe the form and manner of proof required to obtain the credit; allows the department to consult with county tax officials to determine the amount of the credit.

VII. INTERVIEWS

A. H.3759 INTERVIEW: REPRESENTATIVE RITA ALLISON

Summary: This interview was conducted on April 3, 2019 in Representative Allison's Office from 9:00-9:30 am. Representative Allison is the chairwoman of the House Education and Public Works Committee and has been an integral part of the recent legislative efforts to reform public education in South Carolina. She is one of the bill's most fervent sponsors.

1) In your own words, why do we need education reform in South Carolina?

ALLISON: First of all, for a continuous number of years, our test scores for students have not been going as well as we'd like. Second, we've put into place many programs that have been

working, such as Read to Succeed, which focuses on having students be proficient at reading by the third grade. This past year, scores didn't look good at all, and we had many conversations with the state Department of Education, teachers, and principals. When you look at our test scores, we still have some weaknesses, in spite of some outstanding areas. It's been at least 20 years since we've looked in-depth at our public education program, whether funding-wise or in academic areas, disregarding occasional updates to the law each year. We had a state supreme court case 20 years ago, known as *Abbeville County School District v. the State of South Carolina*, which pertained to the so-called "I-95 Corridor of Shame" school districts that brought the case against the governor and the General Assembly, accusing us of not affording minimally-adequate education to their students. [After the litigation concluded in 2014,] Speaker of the House Jay Lucas appointed a study committee to look at how we could answer that court case.

So, in that legislative session and the [following] interim period, we started examining the schools [in these districts], including their facilities, classrooms, broadband internet access, etc. A lot of things came out of that study committee. We started working on [developing solutions to the problems found by that study committee] four years ago. After meeting with the state Department of Education, we realized that many of our school districts needed in-depth help, and that the only way by law that we [the General Assembly] could get involved is if a district were failing academically. So, the House of Representatives revised the Education Accountability Act [1998] in order to give the state superintendent [of education] more ability to help our districts across the state. [More specifically,] the act was revised to allow the superintendent to monitor schools and districts, so that if a school or district were to falter academically or financially, she could offer assistance. [The idea was that] the district would work on a plan, and she would work with them on it. Then, the district would have a period of

time to work through that plan. If the school or district did not [achieve the goals specified in the plan] by the end of a three- to four-year time period, the superintendent would go in and essentially take over the school or district, working to correct the things that weren't working.

[On the other hand,] The Read to Succeed initiative is something where, when it came time to hold children back or move them forward [at the end of their third-grade year], there were roughly 13,000 students not reading on grade level... The question we were asking was: why hadn't these students received help at an earlier age? After visiting many schools, working with student advisory committees and study committees comprised of legislators and educators, seeing the reality of what was happening in these schools, and realizing that we were facing a challenge to hire teachers across the state, the Speaker of the House became very focused on [addressing the issue] and asked the state to help him work through these problems. The General Assembly worked with teachers to correct their difficulties and with the state department [to develop solutions]. Throughout the 2018 legislative interim, the Speaker of the House traveled all over the state with the Education and Public Works Committee staff to listen to teachers and school district officials. Looking at data collected by other states, our committee staff identified relevant research and went through a whole interim period studying that data before we began drafting the bill.

Our committee held four major hearings, in which we fielded educators' concerns. We even held [one of those hearings as] a night session, which was previously unheard of in the House, so that teachers would be able to come. 600 teachers showed up, and 60 of them testified before our committee. We listened to them, and we also pulled data from hundreds of emails and texts [that we had received as well]. We took all of those emails and texts, put them in a pile, and tried to implement what [feedback] was bubbling up to the top. Our committee identified, for

example, that there was a need for facility improvement [in school districts] around the state, so we have tried to address those through special legislation this year. We also heard from educators that they are forced to do too much paperwork. So, another bill, which originated in the Senate, was proposed directing the state Department of Education to study all of the paperwork that teachers are required to do, in order to identify of what paperwork we may be able to relieve them. We passed that bill, and it is now back in the Senate [for concurrence]. The study committee [formed by Speaker Lucas in 2014] had shown us other key issues facing these districts as well, and we have attempted to address them in a separate bill.

[Beyond that,] We sent two funding rural facilities bills to the Senate last year, and we currently have a study committee working on school safety and climate. That committee hasn't sunset yet, and it was during that time [at which the committee was formed] when Governor McMaster began vouching for placing school resource officers in every school. We supported his policy and moved to appropriate funding aimed at accomplishing that objective. Our committee is also working with the House [Ways and Means Committee] to ensure that funding is in the budget to place mental health counselors in all schools by 2022. The [state] Department of Education has worked diligently with the [state] Department of Mental Health to formulate a plan to that end. This year's public education reform bill looks to pick up things that have not already been addressed by other legislation. This bill has been an ongoing effort over the past five years since the court case [a reference to the 2014 ruling by the South Carolina Supreme Court that the state had failed to provide a "minimally adequate" education to the poor and rural plaintiff school districts, see *Abbeville County School District v. State of South Carolina*].

We have a study committee picking up at the end of April that will work through the interim, looking at the climate of our schools. Critics of the House [public education reform] bill

fail to recognize that four years ago, we [the House Education and Public Works Committee] went to these schools, formed advisory committees with them, and convened our own full committee in order to take [all of our members] into these schools. After we finished [this effort], we formed a study committee comprised of educators, the state Department of Education, local businesses, technical educators, etc. We quickly realized that we didn't have any student involvement, however. So, we selected a student from every high school [concerned], took them all to Florence, SC, and asked them: "What is it that you don't have in your schools that you're lacking?" When we went to Denmark-Olar High School in Denmark, SC, for example, a young male student on our advisory committee sat in a room with his principal and his superintendent, and he told us that 32% of the faculty in his school was foreign [hailing from countries other than the US], that the school's entire math department was from India, and that the turnover rate [of teachers] was constant due to factors such as VISA expiration, cultural barriers, and language barriers.

For our committee, this effort is also about building back communities, not just the schools. We asked the students on each advisory committee what they wanted to do after finishing school, and every single one of them said to us that they did not plan to return [to their home communities] because they did not believe there was anything there for them. We've also had talks with the SC State Housing Finance and Development Authority because, in these areas, no housing for couples or singles to move into presently exists. I had a long conversation with the [state] Housing Authority last night, and they're looking at what they can do to develop housing in these areas. We've also looked at jobs and bringing technical colleges into areas with high schools so that students have more opportunities. In essence, we've done A LOT of research, visits, and listening to teachers about their needs and issues.

2) Did any of the amendments adopted to H.3759 by the House target specific concerns from the educator community?

ALLISON: Yes, [for instance,] we heard a great deal of concern from teachers about the 25% of noncertified teachers [currently teaching in public schools in South Carolina], and our provision [in the public education reform bill] pertaining to [allowing districts to bring in additional] noncertified teachers was patterned a lot after the charter school movement. Certified teachers were left saying: “I had to get certified, and you’re going to bring in noncertified teachers?” So, we struck that provision. That’s just one example, but many of the adopted amendments came from us listening to teachers, parents, principals, etc.

3) At any point in its debate over H.3759, did the House Education and Public Works Committee consider making any revisions to the state funding formula?

ALLISON: As you may have heard, there was a letter sent by [Senate] President Pro Tempore Harvey Peeler, [House] Speaker Lucas, and Governor McMaster, which gave Frank Rainwater [Executive Director of the South Carolina Revenue and Fiscal Affairs Office] permission to conduct an in-depth study on the education funding formula in our state. Frank is in the process of doing that [study], and everyone will see more about it in the coming year. He’s studying local, state, and federal streams of income that go into education. I wouldn’t be surprised if his study is finished by the next legislative session [2020], and once his report comes back, you’ll see some legislation come out [of the General Assembly] related to our state funding formula. We heard a lot about [the state funding formula] as we traveled. Our funding mechanism mainly has to do with property tax. Millage isn’t the same across the state, however – for instance, in Greenville or Spartanburg [County], one millage is valued in the thousands of dollars, whereas in Colleton or Allendale [County], one millage is only valued in the hundreds of dollars. So, we

provide more state funding to the counties like Allendale per pupil, and the counties like Greenville receive less [in state funding]. But that local part [of the formula] is from where the inequity comes. The counties like Greenville are willing to tax their residents more, which results in more [revenue]. Even if the counties like Allendale were willing to increase their taxes, they wouldn't have the tax base from which to draw revenue. Denmark County, for instance, raised its millage to build a new school not long ago, but they won't be able to pay it back. We're going to explore how the [legislatively dappropriated] money is spent.

4) Do you personally have any specific outstanding concerns with the bill in its current form?

ALLISON: I did not have any concerns with the bill when it left the House. If you review the amendments, it will jump out at you just how cautious we were to address the concerns of the populous [through them]. By the time we got it to the floor, most of the 124 [House] members had talked with people in their districts.

5) How do you foresee the bill changing as it makes its way through the Senate?

ALLISON: It's hard for me to address that sort of thing. From the last thing I was told, the Senate has not adopted all of their amendments. My biggest hope is that if they [the senators] have in-depth questions, we could have conversations over them and come to a better endgame for everybody. Both bodies want meaningful reform for all.

6) What do you foresee being the biggest legislative challenge with getting this bill passed through the Senate and then getting House concurrence with the Senate amendments?

ALLISON: I see two, really. (1) Being able to talk through misconception and misinformation so that we have a better understanding of where we want to go and what this thing meanings. A great deal of misinformation has been spread about this bill. In our initial drafting, for instance,

we proposed offering a tax credit to businesses that would be willing to hire teachers over the summer. The intent behind this provision was to incentivize businesses to hire teachers whose subject areas were technical, business, or otherwise oriented toward the professional world over their summer breaks, so that those teachers could gain hands-on experience in their subject areas and make extra money. It was completely voluntary, of course; no teachers would have been forced to work over their summer breaks. Instead of embracing the provision, however, the educator community interpreted it as “yet another attempt by the legislature to dodge the issue of giving teachers raises.” They would not listen to our perception of the provision, and we ended up pulling it from the bill [before it was proposed] because the backlash from educators was just so terrible. (2) We [the House] have just finished the budget. I’ve been informed that the Senate will be in committee with the budget next week, and that two weeks later, the Senate will have the budget on the floor [the budget must sit on the desk for a period of seven days between coming out of the Senate Finance Committee and being taken up on the floor by the Senate]. My fear is that the Senate won’t get far enough along this session to know where we’re really going with this bill. My wish is that they get through the bill and get it back to us, so that we’d have time to work together on [drafting] a final version of it.

B. H.3759/S.419 INTERVIEW: SENATOR MIKE FANNING

Summary: This interview was conducted on March 28, 2019 in Senator Fanning’s office from 9:15-10:00 am. Senator Fanning, a retired public-school teacher, is an outspoken opponent of the public education reform bill.

1) Can you tell me about the education reform bill in its current state (both H.3759 and S.419)?

FANNING: The education reform bill was conceived by six non-educators in the House of Representatives back in December of 2018. It was introduced in the House on January 24th, 2019. No educator was a part of writing the bill, nor had a single educator seen it up to that point. Senate Education Chairman Greg Hembree received a copy of the bill to introduce simultaneously in the Senate, and Senator Hembree had seen the bill no more than 24 hours prior to introducing it. There was an immediate reaction of horror from the education community because the bill reads as if a bunch of non-educators sat around drafting a bill to solve educators' problems [which is exactly what happened]. The effort was well-intended, but the bill does more harm than good. Starting with H.3759, within 5 days of introduction, the bill received a subcommittee hearing. To put that in perspective, I've introduced bills in my time as a senator that have gone full two-year sessions without receiving a single subcommittee hearing.

There was also a public hearing held on the bill within a week of its introduction. Approximately 1,000 educators attended this hearing, and every single educator who spoke said that it was a bad bill. Ironically enough, the number of cosponsors attached to the bill doubled the next day, giving it a whopping 90 cosponsors [72.5% of the entire House membership]! Some amendments were made to it about two weeks ago, and it passed in the House as amended. It's now sitting in the Senate Education Committee. As for S.419, a slower approach has been taken by the Senate with its version of the bill. The Senate Education K12 subcommittee has held two to three meetings per week since being assigned the bill, and there have been at least four public hearings across the state organized by the subcommittee as well. Again, practically all testimony was against the bill, and many educators called for the bill to be scrapped. The

Senate is currently in process of finishing its work on the bill. We expect the Senate Education Committee to approve and finish its version next week [that being the week of April 1-7, 2019].

2) Do you think that in its current state, the bill sufficiently addresses the need for education reform in South Carolina?

FANNING: My answer to that question is a resounding “NO!” But more importantly than me [Senator Fanning] saying “no” is that thousands of teachers across South Carolina have said “no” to that question as well. Why, then, are we going down this road? What if thousands of doctors said “no” to a medical malpractice bill we introduced? Or what if a thousand lawyers said “no” to the Tort Reform Act [a bill that was considered by the state Senate earlier this session]? It is disheartening that with so many teachers telling us to slow down and do this reform right, we’re still careening downhill. They [the teachers] are the ones interacting with our kids in the classroom, and they [the teachers] are ultimately the ones who will have to carry out this bill. We shouldn’t be making the mistake of ignoring their input here! Rather, we should be saying “Forget the bill, and tell us what [reform] could change your classroom tomorrow!” to those teachers. “What [reform] would impact the high school teacher’s overcrowded Algebra II classes tomorrow?” “What [reform] would truly change elementary schools whose students can’t read on grade level tomorrow?” These are the questions we need to be asking.

But instead, we are stuck with a bill that is **a bureaucrat’s response to a bureaucratic problem**. We lost about 6,000 teachers in South Carolina last year [e.g. due to TERI]. All the colleges and universities in South Carolina only produced about 1,800 new teachers last year, and 33% fewer college students annually are choosing to major in education. South Carolina had to hire 1,000 foreigners to teach in public schools this year. Bringing private industry in to run

districts, creating new reporting standards, and doing everything else that this bill does won't solve that problem.

3) What specific concerns do you have with the bill (H.3759, S.419, or both) in its current state?

FANNING: So far, the conversation has largely been focused on the bad parts of the bill that need to be removed because, quite frankly, there is a lot of bad material that needs to be removed! Some of that bad material has been taken out of the bill, but more of it needs to be eliminated. We need to start with what we're NOT doing: adding good material into the bill that could actually transform the public education system. If we struck out all the material in the bill that makes it bad, then the bill wouldn't do anything. We then wouldn't get to address any of the good material that ought to be in the bill either. For example, the bill **doesn't reduce class sizes**, despite one "honest attempt" by the House that isn't going to work [the House amended the bill to include an unfunded mandate that the superintendent of education and the school districts must work to reduce child to teacher ratios in the classroom – see Section 59-18-130], which we know would make a difference [in the state of the public education system].

The bill also gives **no raises in teacher pay**, with the only exception being for first-year teachers. The bill could very easily say that "Over next 6 years, South Carolina will move toward the national average for teacher pay." But there's nothing in the bill even resembling such a reform. South Carolina is 48th in the nation for paying teachers. We have a shortage of teachers, which is no small part a result of not paying teachers enough. We have research illustrating what the optimal class sizes are: those findings are contained in the Education Finance Act of 1977 [EFA]. In 2008, we voted to waive the requirement to enforce those class-size requirements that had been enacted into law as part of the EFA. While that made sense at the time, given that our nation faced a serious economic recession, we have long since recovered and moved on.

However, for 11 straight years now, our state has continued to waive those requirements for maintaining optimal class sizes, which means that class sizes have steadily crept upward every year. To put that in perspective, that means there are current high school seniors who, since the time they started the 2nd grade, have not seen the requirements for maintaining optimal class sizes enforced. Essentially, we've robbed an entire generation of the opportunity to learn under optimal class-size conditions.

As for the Read to Succeed program, which requires students to be reading on a 3rd-grade level by the 3rd grade, we definitely have the necessary punitive measures in place there, but we haven't done anything to change the teaching of kids in K5, 1st, and 2nd grades to ensure that students aren't being retained in the 3rd grade. For instance, we [the General Assembly] currently appropriate funding for and mandate that districts employ reading coaches, who are only certified to work with teachers and not with students, instead of reading interventionists, who possess the necessary training and certification to work with children. We need to start by funding and mandating that school districts employ reading interventionists; then, we can add on funding for coaches in the event that teachers need the help.

Research has demonstrated that this strategy [of utilizing reading interventionists to improve children's reading capabilities] works! Consider the following example: If Boeing were in need of engineers and they weren't getting any applicants for engineering jobs, what would they do? They would raise the posted salary offering for those engineering positions and then push announcements about the open positions out to potential applicants. Or take McDonald's, which is now paying all its employees over minimum wage because they need the workers. One of the things common to both businesses is that they increased wages in order to attract and

retain employees. And yet, despite our state's growing teacher shortage problem, the education reform bill only raises wages for first-year teachers!

Now that I've addressed some of the things that the bill does **not** do that it **should** do, let's get into what the bill **does** that is **problematic**. The **first major issue** with this bill is that it creates SCORE [known as the "Zero to Twenty Committee" in the Senate version of the bill]. Most public-school systems in the United States have teachers, school districts, and a state department of education that is run by a superintendent who is either elected popularly or appointed by the governor, and a state board of education that works with the superintendent. The exception to that rule is, of course, South Carolina. Some years ago, we added a second board called the Education Oversight Committee with a director of its own, thereby giving our state two different boards with two different leaders, each having a six-figure salary and their own staff, running the public education system. A redundancy is present there, and it's causing problems.

Take the Common Core debate from a few years ago, for instance. In South Carolina, one of our education boards liked it, and the other board didn't. But both bodies had to agree [before a uniform education policy could be adopted throughout the state], though, and they spent a full year fighting each other over it. In the meantime, teachers didn't know what they were supposed to teach! And this bill looks to solve that problem by adding a third board? In essence, that means we'll now have **three different boards** setting the standards for education... Yikes! Ironically enough, this bill looks to force some school districts to consolidate in order to streamline their functions, and yet it adds another bureaucratic oversight board... What hypocrisy! The message we're sending is: "How dare school districts have duplicate internal

bodies or redundant efforts! But it's completely permissible for us as the government to do so...

Do as we say, not as we do."

The second problem with this bill is the continued labeling of schools. Since 1998, South Carolina has been part of what is known as the "Testing and Accountability in Education" movement. Prior to 1998, our schools were required to administer one end-of-the-year test, and they used the results of that test to generate data on how well the schools were doing. But ever since 1998, we've increased considerably the number of tests administered with results published on school report cards. Then, the South Carolina Department of Education will intervene in the "substandard" schools. The idea was that the local communities would be galvanized to intervene in these cases in order to affect positive change in their schools. Over a 20-year period, however, the schools in the "good" and "bad" categories have remained the same. It's like if a doctor diagnosed you with cancer every single year for twenty years but didn't give you any treatment. [Under this bill,] there are four categories [that require department intervention]: (1) turnaround schools, (2) chronically underperforming schools, (3) state of emergency schools, and (4) transformation schools. In general, the theme [of the departmental intervention] is: "we label schools as failures, and bureaucrats intervene to fix them by bringing in private companies to run the schools."

Bear in mind that there is **no evidence** in any research that this [proposal of having private enterprises run school districts] has been successful anywhere in the United States. These businesses will obviously be profit-driven [in their management of the school districts], and these businesses, along with the state department [of education], would have the authority to determine whether teachers in these districts stay or go. Apparently, firing teachers during the biggest teacher shortage in the history of our state is the solution to our problem! South Carolina has

been labeling and taking over [underperforming] schools [by having them declared to be in states-of-emergency] for 20 years [since the delegation of this authority to the state superintendent in 1998]. **It has never worked.** And yet here we are, planning to do more of it! The proof [of this strategy's failure] is the Allendale County School District. It was failing in 1998, and it is still failing today. It was taken over by State Superintendent Inez Tenenbaum in 1999 and again in 2017 by current State Superintendent Molly Spearman. If this strategy doesn't work, then why are we going to do it again? This [situation] proves there are systemic issues in our schools and communities that aren't being addressed by this bill.

The third problem with the bill is Read to Succeed. There was a bill passed about six years ago that established this initiative, and it required teachers to undergo a great deal of new professional development. There is research to support what is in this bill insofar as a child who cannot read on 3rd grade level by 3rd grade will likely fall short [of grade-level readings standards] all the way through high school. There is also research, however, that if you retain a child once, that child is 43% more likely to drop out of high school. If you retain a child a second time, that child is 86% more likely to drop out of high school. So, if you retain these children, they're going to drop out. What you need to do is make sure that you're doing right by the kid. We need to be focused on making sure K5, 1st, and 2nd graders are reading on grade-level so that by the time they reach the 3rd grade, they're reading on a 3rd grade level.

This school year alone, South Carolina retained approximately 3,000 students. It costs our state a lot of money [e.g. in per pupil allocations to school districts] to have a child repeat a grade. Lately, however, we've been allowing 3rd graders who are close to reading level to move onto 4th grade. A child who is just slightly off of reading at grade-level would probably be done more harm than good by being retained, so we use summer school and tutoring to just catch them

up. We categorize these students on our standardized testing as “Not Met 1.” This bill strikes the language for “Not Met 1” and mandates that all children who are reading below grade-level by the 3rd grade must be retained. The ramifications of this policy change would mean that approximately 14,000 children could be retained next year, as opposed to 3,000! Such a policy shift would cost our state an insane amount of money. And yet, for a fraction of the cost, we could reduce class sizes and have reading interventionists go in and teach them how to read [starting with K5 students].

I’ll offer an anecdote. Years ago, there was a high school in McClellanville, South Carolina with a small population of roughly 200 students, and it was an underperforming school. It was located near Wando High School, which had a large student population and high marks on standardized testing. One day, the local school district and its stakeholders got together and said, “Let’s just close the school [in McClellanville] with the bad ratings and send the students over to the school [Wando] with the good ratings!” And so, they did. Guess what happened to Wando’s ratings? They stayed high! We then took a look at the achievement of the students from the underperforming schools – specifically how they were doing once they got to Wando. Their achievement levels had actually gone down! There are a variety of possible explanations for this phenomenon: perhaps the teachers at Wando had no experience with teaching students who were below grade-level. Regardless, this situation showed that if you have 4,000 kids in a school and you add 200 underperforming students, your aggregate performance may still appear to be completely fine. The implication is that you can move students around, and it will cause their scores to be “lost in the shuffle” amongst a sea of higher test scores. So, although it will appear that the problem has been resolved via this strategy, a more accurate explanation is that it has been covered up.

4) Can you tell me about the history of the education reform movement in South Carolina?

FANNING: The education reform movement in South Carolina was birthed in the 1970's by a group of young senators including Isadore Lourie, Nick Theodore, and Dick Riley – the so-called “Young Turks” (as in younger progressive democrats). Their first legislative priority was education reform. They determined that a research-based solution, wherein stakeholders were brought together in order to address education reform in SC, was needed. They ultimately wrote and passed the Education Finance Act of 1977 [EFA], which was later picked up by Governor Bill Clinton of Arkansas and implemented in that state. When Clinton became president in 1993, he picked up Dick Riley to be his Secretary of Education.

During Riley's tenure as governor, he spent several years building relationships with the business community because, as he had determined by that time, the best way to have educated children was to have an educated workforce. Riley oversaw the adoption of the Education Improvement Act of 1984 [EIA], which implemented a statewide penny sales tax that went toward education reform. No additional reform was passed until 1998 when the Education Accountability Act [EAA] was adopted into law. Three years later, Congress followed suit by adopted the No Child Left Behind Act, which accomplished the same end at the federal level that our EAA accomplished. It has been about 20 years since South Carolina tackled a major education reform initiative. However, unlike the EFA or the EIA, there was no ground built leading up to the introduction of this bill [H.3759/S.419].

5) Can you tell me about the lawsuit filed by the so-called “Corridor of Shame” schools against the General Assembly in the 1990s?

FANNING: That case is known as *Abbeville County School District vs. The State of South Carolina*. As a former educator, my first year of teaching was actually in Hampton County School District 2, which was one of the parties to that lawsuit. I started teaching in the very same year that my school district sued the legislature! The reason we sued was because South Carolina was not living up to its own legal obligations spelled out in the EFA, which had established what schools and the General Assembly were supposed to do [with regard to maintaining the public education system]. The General Assembly was not meeting the mark that had been established by the EFA for base student cost appropriations. Also, because local property taxes play a huge portion of what schools use to determine their funding, some of the poor, rural school districts in South Carolina couldn't get sufficient funding, and the state wasn't stepping in to help them.

The South Carolina Constitution establishes that every child deserves equal access to public education. And so, we found out in court that the SC Constitution only guarantees a minimally adequate education for every student, which is a sad reality. What's worse is that these districts weren't even able to provide their students with a minimally adequate education [based on the funding they were receiving]. The state legislature, instead of stepping up to the plate and working to solve the problem, said "Bring it on! We'll go to court. You poor school districts can't afford to litigate for very long anyway." And so, from 1992 to 2002, these poor, rural school districts underwent the process of suing the state. In 2002, the South Carolina Circuit Court of Appeals ruled in favor of the poor districts.

But rather than accepting responsibility and working to take steps toward rectifying the problem, the legislature appealed the decision to the South Carolina Supreme Court, which held the case for another 10 years – yet another generation of children that the state legislature would rather fight in court over regarding whether they should have to minimally-fund their public

education. In 2012, the South Carolina Supreme Court ruled in a 3-2 decision that the General Assembly had failed to live up to its constitutional duty of providing a minimally adequate public education for all South Carolina public school students. That ruling came seven years ago, and the only significant development that has occurred since is that we [the legislature] waited until a vacancy appeared on the state supreme court, and now the court, by a new 3-2 ruling, has freed us from the obligation of carrying out that duty.

We haven't funded base student cost adequately [in accordance with the EFA] in 11 years. We've underfunded public education by roughly \$500 million per year for the last 6 years, according to the state funding formula. That's another generation of children who we, as the General Assembly, have failed. So, how can we say in this current bill that the public schools are the problem when we aren't even meeting our own legal obligations of funding? Also, our own law mandates that we have to pay teachers at the southeastern average. For the last 11 years, however, we have been waiving that requirement. We're currently paying them \$2,000 less than is **required by law**. This is the very reason that the House budget provides a 4% raise for teachers – because that's what it takes to make us legally-compliant.

VIII. ANALYSIS OF THE BILL

A considerable amount of arguing has been made for and against this bill by the two interviewees. Some references will be made to their commentary in this analysis, but the following belongs entirely to the author of this thesis. In the following paragraphs, I will answer three fundamental questions surrounding the bill, I will analyze the bill's most significant provisions, and I will conclude by offering my own input on what additional reforms ought to be included in the bill.

The first question: why is this bill necessary? It is necessary because South Carolina is in desperate need of public education reform. In support of this claim, I shall provide four pieces of data. First, in 2018, *US News and World Report* ranked South Carolina 48th in public education, with only Louisiana and New Mexico falling behind it (Zeigler). Second, our state has a teacher shortage crisis: last year, for instance, Jamie Self reported that “...6,705 teachers quit their jobs. Nearly 5,000 of those — or 1 in 10 — left teaching in S.C. public schools altogether” (“Classrooms in Crisis”). Third, South Carolina college graduates are not entering the profession in sufficient numbers to close that gap: citing a 2018 CHE report, the same article states that “Four years ago, 2,415 graduates from state education programs were eligible for teaching certificates. That number fell 30 percent to 1,685 at the beginning of this school year” (Id.). Even more alarmingly, the article goes on to postulate that “By the 2027-28 school year, South Carolina is projected to be short by about 6,000 teachers, or 11 percent, including guidance counselors and other specialists. Hardest hit will be math, science, special education and social studies classes where 2,500 teacher vacancies are anticipated” (Id.). Fourth, our teachers are some of the lowest paid in the profession across the United States. The South Carolina Revenue and Fiscal Affairs Office reported that in 2018, South Carolina’s average teacher salary fell below the Southeastern average (“Southeastern Average Teacher Salary”), and the National Education Association reported that South Carolina ranked 40th in the nation for average teacher salary in 2018 (“Rankings of the States 2017 and Estimates of School Statistics 2018,” p. 49).

The second question: which populations stand to be impacted by it? There are quite a few populations that would be affected by this bill. First and foremost are the educators. Then there are other school employees, such as full-time librarians and principals, and many of the district office personnel. Following them are the members of the local school boards, the state

superintendent, and many of the people who are employed by the governmental entities referenced throughout the bill. Essentially, this bill stands to affect a significant portion of the state employee population. For some of these people, this bill could bring increased pay. For others, it only provides increased reporting requirements and new strategies for addressing longstanding issues without appropriating any new funds to see to the implementation of those strategies – case in point, the unfunded mandate for the state superintendent to take measures aimed at reducing student-to-teacher ratios in classrooms.

Before progressing to question three, I will transition into my analysis of the bill's major provisions. I will start by breaking down the original bill's major provisions. I will then address the most pertinent amendments adopted to it by the House. Along the way, I will discuss and argue my opinion on each provision. The Senate version of the bill has had no amendments adopted to it and, therefore, remains identical to the House's original version. The original bill is 84 pages in length, and the amended version adopted by the House is 93 pages in length. Ergo, I will not be addressing every statutory reform proposed by the bill; rather, I will just be hitting the provisions for which I have reserved praise or criticism through my analytical efforts. All of the bill's provisions make amendments and/or additions to Title 59 of the 1976 SC Code of Laws; they vary greatly in terms of the specific chapters of that title which they affect, however.

The following is a restatement of the bill's purpose, as articulated in section V of this thesis: the bill aims to overhaul state public education system (1) by establishing several key committees and initiatives and (2) by modifying the functions of, responsibilities of, and policies governing each of the following entities: the State Board of Education, Department of Education, Commission on Higher Education, State Board for Technical and Comprehensive Education, Technical College System, Department of Employment and Workforce, Department of

Commerce, and Economic Development Act Coordinating Council, along with local school boards, public high schools, colleges, universities, two-year colleges, and technical colleges within South Carolina. The bill sets about accomplishing these reforms (1) by establishing the following entities and standards: the Statewide College and Career Readiness Goal, Student Bill of Rights, Zero to Twenty Committee, and Enhancements to Workforce Preparation and (2) by addressing the following outstanding issues: Educator Development and Satisfaction, Help for Students in Underperforming Schools, and Local School Board Accountability.

The bill establishes the Statewide College and Career Readiness Goal, which is defined as follows: to have at least 60% of all working age South Carolinians having a post-secondary degree or recognized industry credentials before the year 2030. This reform is the first of many instances of “symbolism over substance” in this public education reform bill. While this goal is a noble one, there is no direction provided as to how, exactly, the General Assembly intends to work toward the realization of that goal. To do so would mean to direct specific state agencies, boards, or commissions to undertake specific tasks that are oriented toward achieving this goal or to halt current operations that the General Assembly has determined are working against the achievement of this goal. It would also require the General Assembly to provide some sort of aid to these agencies for the increased workload they take on as a result of the new mandate. To have governmental agencies work toward the achievement of new goals requires ensuring they have the resources they need in order to have a feasible chance of achieving those goals. Otherwise, the General Assembly runs the risk of merely having provided another “unfunded mandate.” This particular goal does not provide any such direction or assistance.

The bill also creates a Student Bill of Rights, which lays out what the state must guarantee to public school students, by establishing expectations of and for the General

Assembly, governor, state superintendent of education, state board of education, education in general [that part is broken into specific expectations for the school districts, school boards, school district superintendents, and teachers], schools, students' personal well-being while at school, rules and procedures within schools, school zoning regulations, parents of students, and orientation of the educational system toward student success. Despite the feel-good language employed by this provision, further analysis of the nine established line items within it demonstrate that the bill does little more than reaffirm already-existing expectations regarding each of these entities – in other words, it is an exercise in stating the obvious. Take, for example, line item (3)(a) of the bill: Students should “be afforded school districts that are financially stable and academically responsible to the educational needs of all students” (“South Carolina Education, Career Opportunity, and Access for All Act”). The vast majority of society could be reasonably expected to agree with this expectation being placed upon school districts. No language exists in this provision stipulating how school districts which lack the necessary resources to meet this expectation could go about acquiring those resources, making it another example of “symbolism over substance.”

The bill creates the Zero to Twenty Committee, another bureaucratic education oversight entity, to set academic achievement benchmarks and report on districts' progress toward achieving those benchmarks to the General Assembly annually. I find this provision especially frustrating. South Carolina is already out-of-the-norm, as compared to other states, when it comes to bureaucratic regulation of public education. We have a state department of education (run by a state superintendent of education), we have a state board of education, and we have an education oversight committee. No other state has an education oversight committee, and the state department has clashed with that committee in the past over setting education policy within

South Carolina. Senator Fanning discussed one such instance in his interview: the year-long debate over the adoption of Common Core standards in public education. Furthermore, in a scathing 2018 Op-Ed in *The State*, Kershaw County School District Superintendent Dr. Frank Morgan blasted some of the policies of the Education Oversight Committee, asserting that “The General Assembly needs to send the EOC back to the drawing board to fix its horrendous accountability plan. I would also suggest that the General Assembly ask why this bureaucracy exists in the first place. Most states seem to do quite well with just a State Board of Education, which is what we had in South Carolina long before the EOC came into being” (“Why Is This State Agency”). As observed by Dr. Morgan, instead of looking to streamline existing bureaucracy in order to eliminate confusion, this bill simply adds more, via the establishment of this “Zero to Twenty Committee.” As if the situation were not already aggravated enough with multiple entities setting public education policy, the legislature seems to believe that the solution is to add more.

The bill eliminates statewide social studies testing for students in grades three, five, and seven. With this provision, the bill would be delivering on a promise made by the legislature to eliminate some required standardized testing. I do wonder how the legislature arrived at the decision to eliminate these particular standardized tests, though. I was unable to find any explanation on that front, and Representative Allison did not offer me one in our interview.

The bill modifies existing law governing the employment and functions of reading/literacy teachers, reading coaches, and reading interventionists. What these modifications fail to include are an increased emphasis on employing reading interventionists. Reading coaches are only certified to coach teachers on how to better instruct students in relation to reading; they are not certified to coach students directly. Reading interventionists are,

however. According to an unsigned article from Lesley University, “Reading interventionists work with specific children who have been identified as needing more literacy support than can be provided by the classroom teacher. They design interventions tailored to each child’s needs. One-to-one instruction is extremely beneficial for students who may feel lost in whole-group settings” (“The Varied Roles of a Reading Specialist”). There is only so much that one teacher can do to help an entire classroom of students learn how to read. The smarter investment would be for the General Assembly to provide for the increased retainment of reading interventionists, who could physically enter the classrooms and directly help struggling students improve their reading abilities.

The bill precludes students who score “Not Met 1” on the third-grade reading proficiency test (renamed English/language arts) from advancing to the next grade level, which had previously been allowed under the logic that students who were reading just barely below grade level would be more harmed by being retained. The bill strips a parent or guardian of the right to appeal a school’s decision to retain a student to the district superintendent, which was previously allowed if the parent or guardian had a compelling reason as to why the student should not be retained. Both of these reforms are terrible. Jamie Self reported in 2018 that with the adoption of the last round of updates to the Read to Succeed Act, “The change could affect 1 in 20 third-graders locally and statewide. Based on recent test scores, more than 3,200 third-graders statewide and 500 in the Midlands could find themselves repeating the third grade. The Midlands numbers included as many as 15 percent of the third graders tested in the Lexington 4 school district, and as few as 4 percent of the third graders in the Lexington 1 and Lexington-Richland 5 school districts” (“Why Third Grade Now”). Retaining students is costly to school districts, as they are forced to devote per pupil spending to students for an additional year which they had not

previously expecting to do so. This bill looks to increase the number of students retained annually, thereby costing school districts more money, without providing these districts additional funding to bear the cost of implementation. Furthermore, it seems unreasonable on principle not to allow a parent or guardian to appeal a district's decision to retain a child; if there is a compelling reason for the child to be allowed to progress, then it should be heard. Districts would be saved money by continuing to allow this policy, as they would not have to retain as many students, and the students would be spared from falling prey to an increased likelihood of dropping out of school at a later point. In a journal article published by the American Sociological Association, researchers identified that "Students who repeat a grade prior to high school have a higher risk of dropping out of high school than do students who are continuously promoted" (Stearns, p. 210). By allowing parents and guardians the option to appeal a district retainment decision, the legislature may very well be sparing some of these students from a worse fate of having no high school diploma at all.

The bill requires the Department of Education to develop a career pathways system, in collaboration with the Technical College System, CHE, DEW, and the Department of Commerce, and to develop a curriculum organized around the career pathways system. The bill requires districts to organize high school curricula around the career pathways system and to incorporate the career pathways system into elementary and middle school students' individual graduation plans. These two provisions seem to build upon the Education and Economic Development Act from 2005. Although the aforementioned agencies are provided direction on how to go about handling these provisions, they are not appropriated funding to do so... Further examples of "unfunded mandates" in this bill. I am for this particular directive, though, as research would appear to support the notion that public-school districts should look to increase

career-readiness in their high school graduates. In a 2018 article entitled “Getting Real about Career Readiness: A Focus on Cross-Sector Competencies,” think-tanks America Achieves and the Organisation for Economic Co-operation and Development identified key outcomes of their 2017 Global Learning Network Convening of World-Leading, including that:

While education level is still related to employability and earnings, ‘degree is not destiny.’ Many of the degrees and credentials that most mattered in the not-too-distant past may not have the same meaning soon. While it’s projected that by 2020 at least 65% of jobs will require education past the high school level (2) and it’s true that on average, today’s 4-year college graduates earn more than a high school graduate, it doesn’t mean that all jobs require a four-year degree (3). Increasingly, it’s skills that matter; as the world of work changes and automation advances and takes over routine work, cross-sector competencies are becoming even more relevant. People increasingly must be much more able to communicate effectively, work collaboratively, think critically, and engage authentically with others in a global context. K-12, as well as postsecondary education, must adapt to ensure our students develop those skills most in-demand. While states, districts, and schools continue to voice a commitment to “college and career readiness,” they are increasingly critiqued for seeming to treat “career readiness” as an afterthought. They are now being called on to move beyond the rhetoric and improve on their career readiness efforts, and many educators are reacting in fast order.” With this directive included in the public education reform bill, the General Assembly appears to be keeping in line with modern thinking about how to best prepare high school graduates for success in the real-world (“Getting Real about Career Readiness”).

The bill provides that a school which receives “Good” or “Excellent” on its annual report card for at least two consecutive years may hire noncertified teachers in a ratio of up to 25% of its entire teaching staff. This provision appears to be one solution concocted by the legislature to address the teacher shortage crisis in this state. California tried a similar policy several years ago, and many of the noncertified teachers its school districts hired ended up teaching in impoverished districts. As detailed in Tim Walker’s report, published by the Learning Policy Institute, “In California... nearly twice as many students in high-poverty schools as in low-poverty schools in 2013-14 were taught by an underqualified teacher. This disparity also existed in the late 1990s and early 2000s, the last time California faced a serious teacher shortage. ‘At that time, one in four students in these schools was taught by an underprepared teacher in any given year...placing at risk the quality of education these students received’” (“Hiring Non-Certified Teachers”). The last thing that any of South Carolina’s public schools, especially those in impoverished districts, needs is to begin filling teacher vacancies with noncertified teachers. The provision in the public education reform bill is cleverly worded to evade this possibility, given that a participating school must have received a “Good” or “Excellent” annual report card rating for two consecutive years. Nonetheless, it would behoove the legislature to work toward developing long-term solutions to the teacher shortage crisis, as opposed to utilizing short-term strategies, such as allowing the employment of noncertified teachers.

The bill establishes a tax credit for individuals who employ a public-school teacher in grade 6-12 as an intern. Based on my interview with Representative Allison, it is my understanding that the intent of this provision is to allow teachers in technical subject areas to gain real-world experience in their particular disciplines. Because the provision does not force any class of teachers into participating in such internships, I see this provision as being good:

teachers have an opportunity to make additional income and gain experience in their field, while businesses can write off the expenses that they incur for employing said teachers. The bill establishes the South Carolina Teacher Preparation Report Card, which must be published annually by the state board. In the hearings held on the public education reform bill, many educators complained about having to deal with too many reporting requirements levied on them by districts and the state department. The legislature cannot alleviate this concern by adding another reporting requirement for the state board, which will have to solicit data from teachers and districts in order to prepare and publish this annual report.

The bill establishes the starting salary for new teachers as being \$35,000 per year. This provision is excellent; however, there is room for improvement. Experienced teachers should not be neglected, as they clearly are here – more on this in a later paragraph. The bill exempts the children of full-time certified classroom teachers with at least five years of teaching experience from tuition charges by public institutions of higher learning. While the sentiment behind this provision seems noble, I question how the General Assembly intends to fund this new class exemption. Will public colleges and universities simply be expected to bear the cost of this mandate without any assistance from the General Assembly to make up for it? If so, it becomes a realistic possibility that public colleges and universities begin to steer clear of admitting these students because they know they will not be able to profit off of them. It would not surprise me if this provision backfired on the state.

The bill adds a new article to Chapter 18 of Title 59: Article 16 “Increasing Accountability.” This article provides protocol for how underperforming schools are to work with the state department in order to improve their students’ performance. It also establishes protocol for how the state superintendent and state board are to deal with chronically

underperforming schools and state-of-emergency-school districts. If a school district is in a state of emergency for four consecutive years, then the district and its local board of trustees are dissolved, and the state superintendent is to place those schools into the South Carolina Transformational School District [SCTSD]. The SCTSD is newly created organizational unit of the state department through which the superintendent may contract the management and operation of schools to one or more individuals, governmental entities, or nonprofit entities. The bill sets forth school district consolidation: local school districts having a K-12 enrollment of fewer than one thousand students each are to be merged with other school districts in the same counties. I will address these provisions in depth in a later section of this thesis, as they are the provisions I desire to target most specifically with my arguments against this bill.

The bill adds a new article to Chapter 19 of Title 59: Article 5 “Local School Governance.” This article establishes ethics policies intended to enhance local school governance by promoting high standards of ethical behavior and to provide the procedure for addressing instances of deficient local school governance. This reform is mostly good, although it seems a bit cruel and unusual in terms of the punishments levied on school board members who fail to comply with any of its provisions (e.g. \$10,000 fines, jail time). Recently, Maayan Schechter reported that “Some state officials have expressed frustration with school board members who use their positions to go on junkets and hire relatives, rather than improve their local schools. Others point to Richland 2 School District as an example, where board chair Amelia McKie faces calls to resign after failing to file campaign disclosures dating back to 2014. She owes the state about \$52,000 in penalties. Meanwhile, the school district’s vice chair, Monica Elkins-Johnson, faces disorderly conduct charges for allegedly shoving a parent” (“Should SC’s Governor”). The bill repeals Article 15 from Chapter 18 of Title 59. This article comes from the

Education Accountability Act, a bill previously discussed in this thesis. The removal of this article makes sense because this bill replaces it with new protocol, relating to intervention and assistance provided to underperforming schools. It should be noted that in the case of virtually every single reform proposed by this bill, including all of the reforms noted in this thesis, reporting requirements are either established or revised for some entity. The sheer number of new reporting requirements levied on the state department, the state board, the Education Oversight Committee, the state superintendent, local school boards, school districts, schools, teachers, and all other denoted governmental entities is egregious.

The House proceeded to adopt significant amendments to the bill in committee and a few amendments on the floor. I will address the most relevant amendments. The Zero to Twenty Committee is renamed the Special Council on Revitalizing Education [SCORE], and its lead staffer is renamed from education tsar to executive director. SCORE's membership is also revised to include two teachers: one appointed by the House and the other by the Senate. If the General Assembly will not eliminate the new bureaucracy added to the public education system by the bill, then the least it can do is ensure that teacher input is heard by the bureaucrats. The US History EOC is removed from being a high school graduation requirement, the eighth-grade science assessment administered by the state department is removed, and the state department is to imbue the SC Ready reading and writing assessments with appropriate grade-level social studies standards. Again, eliminating standardized testing requirements is making good on a promise to address this particular concern of the educator community. I am left wondering how they came to the decision to remove these specific tests, though. The state superintendent is directed to take measures to lower the student-to-teacher ratios in classrooms. This unfunded

mandate is another provision for which I will reserve my commentary for a later part of this thesis.

Act 284 Read to Succeed (2015) is amended to require districts to provide appropriate in-class intervention until all students are reading and writing at grade level. This provision gives off the impression that the legislature wants school districts to hire more reading specialists without providing them funding to do so. It would appear we have another unfunded mandate here. Parental appeal of a district's decision to retain a student is reinstated, and the requirement that reading coaches be employed by each elementary school is reinstated. Every classroom teacher and full-time librarian is guaranteed at least a 30-minute duty-free planning period. All three of these amendments are excellent decisions on part of the General Assembly. I have hashed out those first two subjects earlier in this thesis, but regarding the third, a survey conducted by the American Federation of Teachers in 2015 found that: "Of the various everyday workplace stressors educators could check off, one of the most popular was 'Lack of opportunity to use restroom.' In fact, a fourth of the respondents—which amounts, presumably, to 7,500 educators—cited the bathroom issue as an everyday stressor, putting it in third place only after time pressure and disciplinary issues. What's more, roughly one in two teachers reported having inadequate bathroom breaks, while about the same ratio said they're unable to use the breaks they do get" (Wong). Through this amendment, the General Assembly is targeting a rather pertinent issue for educators in public schools.

The ability of qualifying schools to hire noncertified teachers as provided for in the original bill is struck. As readily as I shared my misgivings about the utilization of this strategy earlier in this thesis, I was just as glad to see this provision struck from the bill. A Teacher Bill of Rights is enacted, establishing nine standards that all certified public-school teachers in South

Carolina should be able to expect from their job. This bill of rights is even more useless than the Student Bill of Rights implemented by the original bill; it does nothing but state the obvious about “reasonable” expectations for teachers to have of their districts, schools, and classrooms. The Senate Education Committee came to the same conclusion when they received the amended House version of the bill, which is why Seanna Adcox reported in late February that “a Senate panel reviewing the bill section-by-section is set to strike [the] Student Bill of Rights” (“SC Education Overhaul Bill”). The requirement levied on the state department to conduct a teacher pay band study is struck. This amendment is good, as it eliminates an unfunded mandate for the state department, which would have required teacher and district compliance in gathering and submitting data. Hence, more work for teachers that takes away from their instruction time.

Local school boards are granted the right to allow their teachers to enroll their children in the schools where they teach, regardless of the student’s zoned area of attendance, and if space is available at the receiving school. This amendment is also good: it will save some teachers from potentially having to go far out of their way to drop off their children at the schools for which they are zoned. A new requirement is added for a school district to be considered for consolidation: more than 50% of its students must be receiving report card ratings that are below average or unsatisfactory. School district consolidation appears to be one of those education reform strategies which has not been attempted enough times to provide sufficient data on its rate of success. Orangeburg County’s three school districts will be merging over this summer, as a result of legislation passed in 2017. Furthermore, the Senate passed a separate consolidation bill earlier this session, which currently resides in the House Education and Public Works Committee. According to State Superintendent of Education Molly Spearman, “So far, the state has recorded some successes. Sharing some services with Florence School Districts 1 and 2 has

saved that county's District 4 \$600,000 in the past year, cutting its administrative costs, including in human resources and maintenance expenses" ("Why SC May Merge School Districts"). While this proposal shows some potential merit, more data is needed to ascertain its effectiveness. In my opinion, the smartest way to handle this issue would be to allow districts to share services or to consolidate, but not to force them to do either one.

Imprisonment is removed as a potential punishment that could be levied against a local school board member who fails to comply with new ethics reporting requirements. I noted my concern earlier in relation to the seemingly Draconian punishments implemented by the article of the bill relating to "Increasing Accountability." It would appear my concerns were warranted, as measures were taken to lessen those consequences. A new section is added, requiring the General Assembly to determine whether the value of the federal education funding received exceeds the cost of compliance with the consequently imposed federal control and regulation. A new section is added, requiring the Legislative Audit Council to study and publish a report detailing federal funding streams for programs and grants in elementary and secondary education in SC and that breaks out the cost of overhead, compliance, and reporting incurred by the state's public education system. Both of these sections make me hopeful. As I will address shortly, there are strategies missing from this public education reform bill that should be present, and reworking funding streams is one of the solutions I will propose. These sections suggest that the General Assembly may be planning to take on the task of developing such a strategy themselves in the near future, which has the potential to do significant good for our state's public education system.

A new section is added, requiring an individual who has submitted a charter school application to provide written notification by certified mail of having done so to all members of

the local delegation of the county in which the charter school has been proposed. This amendment expounds upon the South Carolina Charter School Act of 1996, which was mentioned earlier in this thesis. I am undecided as to whether or not I find South Carolina's continued investment in charter schools to be wise or foolish. A great deal of unclarity surrounds the process of analyzing the overall success or the costs and benefits of states with charter schools. As Paul Reville, a Harvard University professor and a former Secretary of Education for the Commonwealth of Massachusetts, asserted, "It's impossible to generalize charter schools. How charters are run, funded, and overseen varies dramatically from state to state, school to school" (Jason). Fellow Harvard alumnus Dr. Chester Finn corroborates Reville's assessment of charter schools in his widely renowned publication *Charter Schools at the Crossroads*, concluding that "The charter track record can best be described as stunningly uneven." These quotations accurately describe my general indecisiveness toward this topic; it is an opinion that I hope to determine for myself through my continued studies of the education system.

A new section is added, requiring the Department of Education to develop a technology plan that addresses wireless internet access for all public schools. In 2018, EducationSuperHighway, the leading nonprofit organization focused on upgrading the Internet access in every public-school classroom in America, conducted a study which found that "98% of U.S. public school districts [are] connected to high-speed broadband, but 2.3 million students [are] still left behind... [Furthermore,] reaching the goal of connecting 99% of America's K-12 students [to the internet] is well within our reach. Nearly two million of the 2.3 million students who still do not have access to the Federal Communications Commission's (FCC) minimum standard of 100 kilobits per second (kbps) per student of Internet access are in just 62 school districts nationwide. Moreover, nearly 90 percent of these school districts can upgrade to the

FCC’s goal without spending any more money” (“2018 State of the States”). In the case of South Carolina, EducationSuperHighWay reported that only six public schools are still in need of scalable broadband, and that “Since 2015, schools in South Carolina have utilized \$53 million in federal Wi-Fi funding to upgrade Wi-Fi and their internal networks” (Id.). This mandate from the General Assembly is understandable, given that public-school students require access to broadband internet in order to receive a competitive education today. Governor Henry McMaster has even posited that “If we are to remain competitive in the 21st century economy, then students from all 46 counties in South Carolina must be ready to compete. That means ensuring connectivity and access to broadband in every classroom” (Id.).

A new section is added, establishing a tax credit for employees of K12 school districts in Tier IV counties. The county-tier ranking system is used by the South Carolina Department of Revenue for purposes of the job tax credit, counties qualifying for the tax moratorium, and counties qualifying for the reduced fee in lieu of property tax” (“SC Information Letter #17-16”). Many of the counties falling into the Tier IV category are the same counties that were parties to the *Abbeville County School District v. The State of South Carolina* lawsuit: for example, Allendale, Barnwell, Clarendon, Hampton, and Lee Counties. What stands out to me about this situation is that 25 years ago, these counties were the poorest in the state, and they also had some of the worst school districts in the state. Today, despite all the economic development and education reform efforts by the General Assembly and the Department of Education, these same counties remain impoverished, and their school districts are still underperforming. All five of those denoted counties appear on the Department of Education’s “Priority Schools” webpage, which “...identifies schools that meet certain criteria that classify them as schools in need of improvement.” While I applaud this provision for providing a tax relief to a very-deserving class

of individuals, I daresay it is symptomatic of a much bigger issue which ought to be addressed by the legislature.

With most of the bill's substantive points addressed, the third question can now be answered: Is the bill good policy, and should it be implemented? The answer to this question is a bit more nuanced than the answers to the previous two questions have been. Included in my answer to this question will be my analysis of those sections of the bill which I noted would be covered later in this thesis. This bill is massive, and it attempts to make a great deal of reforms to the public education system. In my view, however, most of those reforms merely increase or alter existing reporting requirements and increase bureaucratic oversight of school districts. If history has taught us one thing, it is that this strategy does not work. Consider the Allendale County School District, for instance. Superintendent Inez Tenenbaum took it over back in 1999, following the first ruling in *Abbeville County School District v. the State of South Carolina* the same year, and Superintendent Molly Spearman took it over again in 2017. In that eighteen-year gap between the takeovers, the condition of the Allendale County School District had not changed for the better (e.g. in the quality of education or the state of their facilities). Senator Fanning discussed the failure of the state department in this instance at length in our interview. And yet, this new bill aims to rectify the problems facing the Allendale County School District and similarly situated districts by increasing bureaucratic oversight and by establishing more reporting requirements with which schools, districts, and state governmental entities must comply. Instances such as this one give off the impression that the General Assembly is incapable of learning from its past mistakes.

Aside from the bad reform items presented by the bill, there are some good reform items which are missing from it. In addition to raising teacher pay, a necessary strategy which was

addressed in my answer to the first pertinent question about this bill, there are further critical issues facing our public education system that must be resolved. Many of our educators are teaching in run-down classrooms, are overburdened with paperwork and standardized tests, have too many students in their classrooms, and have school administrators constantly breathing down their necks due to all the reporting requirements already levied on the schools and districts. The bill does very little to confront these critical issues and, in some cases, makes the situation worse. For starters, the only raise given to any group of teachers is for starting teachers, whose annual salary is brought up to \$35,000 from \$32,000 (a raise of 9.375%). Although the version of this year's budget passed by the Senate this session appropriated 4% raises for teachers, 2% raises for all state employees, and up to a 10% raise for teachers with fewer than five years of experience, this bill, which was intended to be the primary means of overhauling public education this year, includes no such provision. One of the most important steps this state could take toward improving the public education system would be to increase pay for all teachers, not just for first-year teachers, because it would help chip away at our state's ever-increasing shortage of high-quality teachers.

The bill does not appropriate any additional funding for school districts to make facility improvements, nor is there a capital bonds bill up for passage in the General Assembly this year to provide funding to districts for this purpose. And for as much paperwork as the bill purports itself to be relieving teachers of, it adds back just as much, if not more, through the plethora of new reporting requirements levied on school districts and state governmental entities. The responsibility for gathering and submitting the data required by districts and governmental entities in these instances is ultimately going to fall back on the teachers. That data must come from public-school classrooms, and the time required for teachers to fill out the necessary

paperwork for complying with these data requests will detract from their teaching time. So, although the bill makes out these new reporting requirements as being the means of solving the problems facing South Carolina's public education system, they may be more likely to make an already-bad situation worse.

The bill also makes no changes to the state funding formula, nor does it even attempt to provide additional funding to underperforming school districts. In order to improve the conditions in underperforming schools, meaningful measures must be taken toward lowering their student-to-teacher ratios and improving their facilities. To that end, the unfunded mandate added by the House, which orders the state superintendent to lower student-to-teacher ratios in classrooms, is another case of "symbolism over substance." If the state department or these underperforming districts possessed the means to improve facilities or lower student-to-teacher ratios, they would have already done so. It ultimately boils down to the same rationale as why the state superintendent's intervention in Allendale did not work in 1999 or in 2017: these schools need funding to solve their problems, not more bureaucratic involvement. For the General Assembly to provide these districts with that much-needed funding, however, one of two things must happen. Either the General Assembly must begin making good on its promise to fully-fund its 70% burden of each district's annual appropriation figure calculated under the Education Finance Act, or the General Assembly must look to revise that funding formula in order to allow for an increase in the provision of funding to these marginalized school districts, or both.

In the former case, the General Assembly would be unlikely to comply because they would either be "too stretched thin in the budget as it is" or, in a year where a surplus occurs, there would be "some other area that needs the money more." In the latter case, a fundamental

shift in the way that both South Carolinians and the General Assembly view our state's public education system would have to occur. Cindi Ross Scoppe, Associate Editor of *The State*, agrees, contends that "The first step to answering those difficult questions [of reforming public education] is to recognize that we have to do this. That means the Legislature must acknowledge that it owns the schools. Not the local school districts, which were created by the state in order to carry out the state's job. The state. And then it has to start acting like it" ("Here's How Legislators").

Under Scoppe's logic, one could go so far as to postulate that the state has the final authority over distributing funding to the school districts, including the funding collected in property taxes by the districts – that 30% figure of each district's EFA calculation. With no cap on districts collecting extra revenue from local property taxes beyond the 30% appropriation-mark, inequality between districts runs rampant, as was discussed in section three of this thesis: *Abbeville County School District v. The State of South Carolina*. If the General Assembly truly desired "to provide the opportunity for each child [in South Carolina] to receive a minimally adequate education," (*Abbeville I*) without raising taxes, then the most logical method of doing so would be to collect all the local property tax revenue accumulated by school districts across the state and to have the Department of Education redistribute that funding proportionally between the districts, accounting for each one's number of weighted pupils. The utilization of such an equitable funding strategy would allow for the extra revenue collected by wealthier districts in local property taxes to go toward benefitting all school districts, especially those impoverished districts in dire need.

Inevitably, the implementation of such a strategy would draw protests from the individuals who live in more economically well-to-do counties, who would argue that being

forced to pay taxes toward school districts which do not even educate their children is unfair. In response, I would offer two points. First, all the aggrieved individuals who send their children to private schools are already paying property taxes that go toward local school districts, so this new arrangement would not be any different in their case. Second, to the rest of those aggrieved individuals, it is high time for them to redefine their perspective on the public education system. As citizens, we all bear equally the responsibility for all South Carolinians, at least at a minimally adequate level, because if we fail to do so, then all us will pay for it. Cindi Ross Scoppe posits that: “those of us who were blessed with good educations will suffer as long as a large portion of children in our state fail to receive a decent education, because those children will fail. And when they fail, they will consume government services — whether it’s food stamps or Medicaid or space in prison — that the rest of us will pay for. And they will produce another generation that follows in their footsteps. And fewer businesses will expand or move to our state to provide good jobs for us and our children” (“Here’s How Legislators”).

To clarify, I do not purport myself to be a political socialist by any means. However, it is my sincerely held belief that public education represents at least one exception to the notion that a capitalist, free market scheme is the soundest structure by which to run all enterprises of life. Every South Carolinian is entitled to at least a minimally adequate education, and it is the responsibility of the General Assembly to ensure that standard is being achieved in every public school across the state. In my opinion, the members of the legislature continue to fall short here because they care more about getting re-elected than they do about making a real difference in our state, especially when the required course of action is unpopular. They have continued to re-hash the same solutions of increasing bureaucratic oversight, micromanaging problematic schools, creating new strategies for schools to adopt, and establishing ever-increasing reporting

requirements for school districts and state governmental entities. Meanwhile, they continue to avoid the obvious truth: that spurring meaningful public education reform starts with providing school districts equitable funding, which South Carolina has failed to do for dozens of its school districts since at least the 1990's.

To be fair, a letter was sent to Frank Rainwater, Executive Director of the South Carolina Revenue and Fiscal Affairs [RFA] Office, by Governor McMaster, President Peeler, and Speaker Lucas earlier this session, directing the RFA Office to conduct an in-depth study on the state's education funding formula. Additionally, the bill itself does order both Legislative Counsel and the General Assembly to undertake the task of studying and reporting on our state and federal education funding streams. With these measures, the legislature has taken its first steps in the right direction toward creating and instituting meaningful public education reform in this state. I will be interested to see what the legislature does with its own findings and with the findings of Legislative Counsel and Mr. Rainwater.

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